California Journal

The Monthly Analysis of State Government and Politics

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'Marlboro man'

Pete Schabarum – new boss of L.A. County

The gun fight: no contest

Party switcher Jean Moorhead

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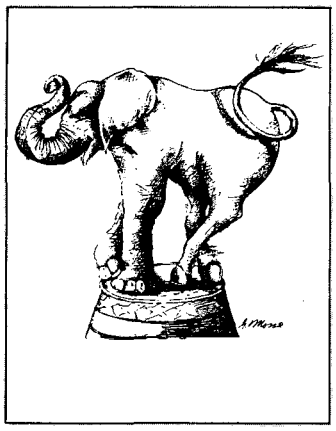
Personal
PERSPECTIVE
By Ed Salzman

The pseudo-Republicans



The California Democratic Party ought to be grateful these days that the state's elections are determined more by personality than by issue. Much has been written about the bankruptcy of the national Democratic Party in the area of programs for the future. But are the Democrats holding office in Sacramento in any better shape?

In a sense, the Democratic Party is worse off in California than in the District of Columbia. In Washington, the Reagan Administration and the Republican majority in the Senate have the responsibility for promulgating programs to solve the nation's problems. In Sacramento, that task falls on the shoulders of Governor Jerry Brown, Assembly Speaker Willie Brown and Senate President pro Tempore David Roberti — Democrats all.

And what do the Democrats stand for these days in California? The governor, eyeing a tough race for the United States Senate, has once again moved into his familiar defensive posture, which calls for him to be a follower of the public will rather than a leader of his party and his state. Roberti has adopted the old-fashioned system of issuing white papers outlining party positions on issues. His first two papers called for reduction in government regulations and tougher anti-crime legislation — both traditional Republican programs. In addition, he has formed a personal budget task force to find ways to cut government spending — another old-fashioned GOP ploy.

Willie Brown is one of the few Democratic leaders these days willing to expound a liberal view on issues. But wasn't it Brown who advised his Democratic colleagues not to take political chances by supporting school busing? Wasn't it Brown who put himself in hock to the conservative Republicans to get his leadership position? Isn't the speaker far more liberal than the rank-and-file member of the Assembly Democratic caucus?

Democrats cannot be blamed for abandoning traditional liberal positions. The era of open budgets, ever-tightening environmental controls, massive busing of students and other liberal positions has ended.

If the system were working well, Democrats and Republicans would propose alternative solutions to problems, not parrot each other. There is no rule that says the Democrats must stand on the left and the Republicans on the right. But the reason we have two major parties is to provide the voter with a choice.

In an ideal situation, the Democratic Party would inject itself with a healthy shot of creativity. It would propose new solutions to the state's housing, education and health problems. It would show the public how it disagrees with the positions of the Republicans.

But that is not happening. Why should the Democrats take any risks? They hold most of the statewide offices and control both houses of the Legislature. Jerry Brown has shown his colleagues how they can venture into dangerous liberal waters on occasion and return to the comfortable womb of conservatism when election season approaches. So far, it has been a winning formula for Brown. But will the public buy it again in 1982? And how long will legislative Democrats survive running under a pseudo-Republican flag?

California Journal

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Tale of the typewriter: Back two years ago, we reported in this space that burglars had done away with our typewriters (twice). Among the replacements we purchased was a "factory-reconditioned" IBM Selectric. At the end of April, two of Sacramento's finest appeared at the *Journal* office and demanded the Selectric on the grounds that it had been stolen six years ago from the state of New Jersey. As it happened, IBM had recently serviced the machine and had run the serial number through a routine state Department of Justice theft check. Bingo. Within a few days, the typewriter was traced back — to the reputable local firm that sold us the machine, to an outfit in Kansas City which had done the "factory reconditioning" job, and then to the corporation which had taken the stolen machine in trade — IBM.

Congressional Democrats have picked Republican John Rousselot as number one on the hit list during reapportionment. This is a switch from Robert Dornan, who has moved down to second place.

Assemblyman Art Agnos wrote the following message to his employees, a copy of which hangs on the wall in each of his offices:

Constituents are the most important people in our office.

Constituents are not dependent on us. We are dependent on them.

Constituents are not an interruption of our work. They are the purpose of it.

Constituents do us a favor when they come in. We aren't doing them a favor by waiting on them.

Constituents are a part of public service. They are not outsiders.

Constituents are not just votes on election day. They are human beings with feelings like our own.

Constituents are persons who come to us with their needs and hopes. It is our job to fill them.

Constituents deserve the most courteous attention we can give them. They are the lifeblood of this and every other public office. They pay our salaries. Without them, we would have to close this office.

We won't ever forget it.

One hundred and 19 other legislators please copy.

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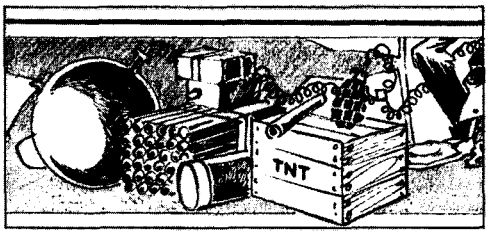

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Why assassinations strengthen the pro-gun lobby

By ED SALZMAN

Assemblyman Art Agnos of San Francisco probably knows more about handguns from an emotional and physical standpoint than any other member of the state Legislature. At 8:20 p.m. on December 13th, 1973, Agnos was shot twice through the chest by one of San Francisco's "Zebra" killers. At the time, Agnos was an administrative assistant to Assemblyman Leo McCarthy, and he was trying to work out a housing problem at a development near his home. He came literally within an inch of death, the bullets collapsing his lung, rupturing his spleen and puncturing his colon. It turned out that he was victim number six of the 20 or so shootings attributed to the Death Angels, a sub-group of the Black Muslims. As an initiation rite, all new members were required to kill a white person. Because Agnos lived, someone else died later that night from bullet wounds from the same 32-caliber handgun.

Three years later, Agnos was a member of the state Assembly. He felt very strongly that something should be done to keep handguns out of the hands of potential killers. He drafted a bill banning the so-called Saturday Night Special (a general term describing cheap handguns) and establishing other controls over firearms. As a victim of a Zebra killer, his press conference was a bit more interesting than the usual announcement that anti-gun legislation is about to be introduced. But how did his colleagues react? "I got shot down harder by the bill than by the handgun," he quipped.

Since that time, there have been several shootings of major public figures, the most recent resulting in the death of music idol John Lennon and the serious injury of President Ronald Reagan. Yet, the Legislature shows no sign whatever of budging from its long stand against restrictions on handguns. This is despite the fact that all polls show a majority of Americans want curbs on handguns and the fact that most legislators privately favor gun controls. The reason is simple: The pro-gun forces of the National Rifle Association and Senator Bill Richardson's Gun Owners of California do a far better job of working the political arena than do the opponents of firearms.

The Shoemaker example

In fact, every time there is a shooting of a public figure, the pro-gun side gets stronger. Richardson reports that the Reagan shooting helped his organization by bringing in more members and more dollars to fight the anticipated attempt to restrict firearms. Richardson claims he now has more than 1 million Californians participating in his Gun Owners and allied organizations (which include a for-profit computer-mailing firm). Richardson not only heads his own organizations, but he is also on the board of directors of the National Rifle Association. He works closely with the NRA's Keith M. Gaffaney and with the California Rifle and Pistol Association.

The backbone of the pro-gun lobby is the sportsman — the hunter or gun collector. These people are not fanciers of the cheap Saturday Night Specials, but their attitude has been that any restriction on the purchase and possession of guns is the proverbial camel's nose under the tent — a mere first step that would lead to licensing of all guns and many more restrictions on ownership.

Richardson says his organization favors only one kind of gun control — stronger penalties for those who commit crimes using guns. He even opposes mandatory safety courses for those who buy firearms. Yet, he admits that gun-control would pass the Legislature — if members could cast secret ballots. The proponents and opponents of gun control agree on the reason why bills like the one proposed by Agnos are killed: Legislators are scared of the political power of the Richardson forces. They remember that then-Democratic caucus chairman Winfield Shoemaker was defeated by his Santa Barbara constituents partly on the gun-control issue. (Shoemaker took the lead on gun control following the 1968 assassination of Robert Kennedy.) They also know that sportsmen are single-issue voters who are willing to work and contribute money when freedom-of-firearms is at stake.

"We're the Marine Corps," says Richardson. "We're not nice. We tell people that if you vote against us, we are coming into your district and whip your ass. And we may or may not use the gun issue, depending upon the circumstances."

Last year, the leading advocate of gun control in the Legislature was young Assemblyman Elihu Harris of Berkeley, a close associate of Speaker Willie Brown and chairman of the Assembly Judiciary Committee. Harris introduced a plethora of gun-control measures that covered virtually the entire field. Some bills passed through the Assembly Criminal Justice Committee, and a few even made it to the Senate, where they were promptly squashed by Richardson and friends.

Now, Harris is in retreat. In only his third year in Sacramento, he recognizes that the issue of gun control cannot be handled with a frontal assault. "It is very, very frustrating," admits Harris. "The attitude of the members is that the furor that follows an assassination will die down." This year, Harris has adopted a new strategy. "I'm trying to get away from emotionalism and emphasize responsibility," he explains. In essence, he wants to treat guns like cars — as potentially lethal objects. Car owners are required to show financial responsibility, usually through insurance, to guarantee that any victims can be compensated. Harris' key bill this year would apply similar financial-responsibility principles to owners of firearms, and most owners presumably would be required to purchase insurance policies. Harris also wants to establish a long cooling-off period for the transfer of weapons between individuals and to establish a stronger firearm-safety program. Richardson is opposed to all of Harris' bills, so they are probably doomed to death.

The proponents of outright gun control realize that all attempts are futile in the Legislature. In fact, the only significant gun measure to pass the Legislature last year

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was a proposal designed to make it easier for Californians to carry concealed weapons. That bill, by Assemblyman Pat Nolan, would have established an appeal system for those denied concealed-weapons permits by local police. The measure was vetoed by Governor Brown.

Agnos and Harris feel that the only way Californians are going to get tough anti-gun measures is through the initiative process. But members of the Legislature do not seem to be willing to take the lead in promoting such an initiative, which would probably ban the sale and possession of certain types of handguns. Agnos is not optimistic about the chances of an initiative even qualifying for the ballot. That takes plenty of money and effort. And thus far, according to Agnos, the anti-gun movement has been marked by apathy. "The bottom line is that the other side is far more messianic than our side," he says.

Most of the effort for gun control is being carried out in Washington by an organization called Handgun Control Incorporated. It is buying expensive newspaper ads to educate Americans to the fact that on an average day, more than 50 Americans are killed with handguns. The leadership in the organization comes from men and women who have lost children as a result of shootings. The federal emphasis is on the Kennedy-Rodino proposal that would halt manufacture and sale of Saturday Night Specials and would require registration of other handguns with manufacturers to simplify tracing. The sponsors emphasize that the measure would not confiscate any handguns; nor would it affect rifles and shotguns, thus not having any adverse impact on sportsmen. The bill is not expected to survive.

Feeble efforts

By comparison to California gun-control efforts, the Washington campaign is potent indeed. It has workers, money and exposure. It is giving the National Rifle Association a run for its money. In California, the efforts to qualify an initiative for the ballot have been feeble:

- **Assembly Speaker** Willie Brown called for a ballot measure to settle the gun-control issue. He indicated that a meeting should be held with Richardson to frame the measure. Richardson accused Brown of "showboating," and that was the end of that maneuver.
- **The Southern California** Coalition for Handgun Control two years ago decided to delay an initiative campaign to see what the Legislature would do. Now, the coalition is barely in existence, operating with a mere $10,000 from a fund-raising function. It would take perhaps the better part of $1 million to qualify a measure for the ballot.
- **Following the death** of John Lennon, former Governor Pat Brown tried to enlist top entertainment-industry executives (including Jeff Wald and Irving Azoff) for a fund-raising initiative. But Governor Jerry Brown apparently was far less than enthusiastic, and the attempt fizzled. The junior Brown has expressed doubts about the effectiveness of such a measure and has questioned whether government should abridge the right of a citizen to bear arms. There has been speculation that the governor discouraged his father and his friends in the entertainment industry because he does not want the hot issue on the ballot next year when he presumably will be a candidate for the United States Senate.
- **The latest potential** sponsor of a gun-control measure is political activist Tom Hayden. The Campaign for Economic Democracy, headed by Hayden, has been successful in some recent local elections (Santa Monica and Chico), and just might be able to generate the troops and funds to get the necessary signatures. Hayden said in April that a decision would be made "within a few months."

Should Hayden's or some other organization be successful in qualifying an initiative, the stakes for politicians would be quite high. Money would flow like water into the coffers of the Richardson organization. It is entirely possible that Republicans would be virtually united against the measure, while Democrats would be divided. Could candidates for the Legislature or Congress avoid taking stands on the proposition? Wouldn't Richardson's organization, which already claims a sizeable bloc in both houses of the Legislature, get an opportunity to elect more staunch gun supporters? Couldn't the issue give the Republicans a chance of getting control of the Legislature?

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While the polls have shown consistently that Americans favor some gun-control measures by a substantial margin, those surveys have not always been converted to victory at the polls. Richardson claims that sportsman power will be sufficient to defeat any initiative in California once there is a specific proposal before the electorate and the issue can be debated. And he points to successes of the pro-gun forces in other states as his evidence.

Sounding the alarm

According to the Council of State Governments, there are remarkably few anti-gun measures on the lawbooks across the nation, with the exception of the kind of statute favored by gun owners — stiffer penalties for those using firearms in the commission of a crime. The private possession of guns is banned only in Washington, D.C. Only New York and Massachusetts have mandatory-sentence laws for those carrying unlicensed handguns, whether or not a felony has been committed.

It appears that the shooting of a Kennedy, a King, a Wallace, a Lennon, a Halberstam or a Reagan causes a flurry of optimistic activity by those advocating gun control. But there aren't enough dedicated advocates in the country to push legislation over the top. Meanwhile, the National Rifle Association and Richardson's organizations sound the alarm and become stronger than ever. In terms of membership and money, every assassination attempt is a bonanza for these organizations.

In Sacramento these days, it is obvious that gun control is a dead issue. But legislation in a related field, alcohol control, is faring much better. Related? The statistics indicate that far more people are killed each year in America by drunken drivers than by people firing pistols. Furthermore, the numbers show that a heavy percentage of those firing pistols at people have been drinking. The main piece of drunk-driving legislation, authored by Assemblywoman Jean Moorhead, would require a short jail sentence for a first offender.

In the past, legislators have not always been willing to pass bills mandating jail terms for all drunk drivers. Legislators themselves are occasionally arrested for drunk driving, and lawmakers realize that the bars are full of constituents who might be affected by bills such as Moorhead's.

Yet, legislation may pass against drinkers, while the attempt to ban cheap handguns is an exercise in futility. The reason: There is no National Drinkers Association, no Whiskey Owners of California and no California Gin and Vodka Association to threaten lawmakers with the wrath of the single-issue voter if they dare pass bills against the freedom to drink.

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Pete Schabarum — fifth wheel turned boss of L.A. County

By TOBY SHOR

Suddenly, Supervisor Pete Schabarum is running Los Angeles County. Only a few months ago, the conservative Schabarum was a fifth wheel on a board that consisted of four liberals and moderates. But last November, as the nation took a turn to the right, Schabarum obtained two new allies on the board, and he was spurred into power in the state's largest county.

And Schabarum, known for his tenacity since his football-playing days, doesn't plan to stop there. He is already being mentioned as a likely candidate for governor in 1986 or 1990 — depending on the outcome of the 1982 election. Although in the minority through six years as an assemblyman and eight years as a supervisor, Schabarum has held uncompromisingly to his conservative views. He suffered the insults of his colleagues and the press, but the victories of Mike Antonovich and Deane Dana over incumbents Baxter Ward and Yvonne Burke gave him a working majority on the board and the possibility of winning higher office.

As a candidate for governor, Schabarum would have the advantage of substantial name identification in Northern California. After World War II, he was a star halfback at the University of California in Berkeley and later played for the San Francisco '49ers. One of his Berkeley teammates, Hall of Fame guard Rod Franz, says he always admired Schabarum because he worked unselfishly for the team even when he wasn't going to carry the ball. Later, Franz had to deal with Schabarum in the Legislature. As lobbyist for the East Bay Municipal Utility District, Franz would seek a vote from Schabarum on occasion. Their old friendship got Franz in Schabarum's door — but little else. Schabarum always voted his conscience. And that was the conscience of a conservative.

Schabarum, 52, has always acted as though his views were both realistic and right. As Barna Szabo, chief deputy to former Supervisor Jim Hayes, puts it, "Pete is either right and wins or he's right and he loses." For years, the votes of Supervisors Ken Hahn, Ed Edelman, Burke and Ward made him a loser. But now he is a regular winner, because he has two colleagues who, he says, "both philosophically and fundamentally agree with me."

Toby Shor is a free-lance writer in Los Angeles.

A different person

Yet Schabarum is not the boss of a three-member organization. He helped the others get elected, but the most important factor is that they are conservatives like him. "He isn't out to set an example for the others to follow," says Szabo, "only to gain the two necessary votes which are the tools he needs to be effective." Schabarum's close friend, Superior Court Judge Chris Markey, adds, "Since last November, he's a different person. Now he can talk to someone and advocate some programs. Before, he was the fifth wheel; his vote was nothing. Now, the board is not sitting still. It is moving on things that Pete has pioneered." As Schabarum sees it, he no longer has to put up with abstentions from Burke, investigations by Ward, "do-nothing liberal" programs from Hahn or requests for delay from Edelman. Now Schabarum is free to reform the county civil-service system and end county-financed health care for illegal immigrants.

Schabarum is the ideal model for the Marlboro man, facial scar and all. He's ruggedly handsome, with a dark tan and chiseled features. He's made a fortune developing real estate and married the daughter of a one-time Stanford football coach. He and the former Gerry Curtice are still married and have three adult children. Looking ahead to a future gubernatorial campaign, Schabarum can even point to his part-Mexican heritage (although his ancestry is predominantly German).

The philosophy of Los Angeles County's new leader is clear-cut — standard conservative Republican philosophy. He wants to reduce the size of government, make it more efficient and end its over-regulation of people's lives. He wants to make government operate on business principles and is unwilling to allow "the bureaucracy to go through its

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rain dance." He has unquestioning faith in the private sector and wants as many county services as possible contracted out. He insists that the service be as good as the county's and cost no more. Also, he recognizes that it is impractical to contract out law enforcement or welfare work because of the need for maintaining the confidentiality of records.

As a land developer, he is also a prime opponent of the environmental movement. He favors a "fast track" system for the approval of construction permits. His rationale: "We have a severe housing shortage countywide, and before it gets better it may well get worse. We need to focus on reduction of the cost of housing by government regulation . . . EIRs (environmental impact reports) are not important for a lot of projects and not to the insane degree that they are now required."

While a conservative on most issues, Schabarum may be rated as a progressive in the field of transportation — his area of specialty while in the Legislature. He wants to use government incentives to increase the number of Californians in ride-sharing programs, and he presented a program to a symposium this year calling for an increase in exclusive busways, a start on the proposed Wilshire subway, research into commuter rail systems and use of Union Station as a key transportation interchange facility. He has also been a leader in smog politics and is one of the county representatives in the South Coast Air Quality Management Board.

Life after Ward

The key to Schabarum's overall success will be the level of commitment of the two new supervisors — Dana, who is a neophyte as a elected official, and Antonovich, an ambitious former assemblyman. Fortunately for Schabarum, they claim that they "independently" share his views. Now, Schabarum says, he need not resort to arm twisting or "a degree of histrionics and acting" to get his proposals off the drawing board. All three members of the conservative majority attribute the new "team spirit" on the board to the defeat of Baxter Ward (by Antonovich). Observes Schabarum: "Ward having left the board has changed the quality of decision-making and debate dramatically. The tension, backbiting and nonsense that caused the unacceptable public demeanor is gone." But didn't Schabarum also participate in these activities? "You bet your boots," he replies, indicating that if his opponents are going to sling mud, he can sling it right back.

Chairman Edelman is less convinced about the supposed cooperative nature of the new board. He is concerned about some of the actions the conservatives have taken, especially a new policy of removing appointed commissioners when newly elected board members come into office. Previously,

Supervisor power

What makes a Los Angeles County supervisor like Pete Schabarum so powerful? Some of the factors are inherent in the unique nature of the county. For example:

- **Size.** One out of every three Californians live in LA county. With a population of 7.5 million, the county is also larger in area than 41 of the 50 states. Its annual budget, about $4.5 billion, exceeds those of 40 of the 50 states.
- **Control.** As an administrative arm of both state and federal governments, county government is responsible for basic health and welfare services to the needy, as well as operation of the Superior Court system and the county jails. But it is in the area of property-related services (primarily for the unincorporated area within the county limits) that supervisors wield real power. These functions include planning, zoning, road improvement and maintenance, and fire and police protection. LA County's unincorporated area alone has a population of more than 1 million persons. About one-third of the county's total area of 4,083 square miles is still undeveloped. In the unincorporated areas of each supervisor's district, he is both mayor and city council to his constituents.
- **Money.** Of the county's $4.5 billion budget, about half a billion is spent on county services rather than mandated programs. One-fifth of this half-billion goes to each of the county supervisors to spend on property-related services for his district. That means each has about $100 million per year to spend within his district, plus an annual supervisor's salary of about $60,000.
- **Anonymity.** Because county government does not have a mayor or chief executive, a county supervisor operates rather autonomously and with less visibility. There aren't as many people looking over his shoulder, which gives him a greater ability to do what he wants in his district.
- **Incumbency.** The sheer immensity of Los Angeles County contributes to the built-in advantage of incumbency. Any opponent needs a considerable amount of money and perhaps an incumbent with some obvious liability to launch a viable campaign.
- **Political makeup.** Los Angeles County has 81 cities within its borders; each county supervisor has between 15 and 22 cities within his district. These cities vary greatly in size, from almost 3 million inhabitants in the city of Los Angeles to fewer than 500 residents of the city of Vernon. In the smaller cities, the county supervisor has additional opportunities to capture power. Many of them operate with skeletal local governments, depending on the county for a multitude of property-related services. Through contracting with the county for such services as police and fire protection, the cities save money while the county maintains and expands its large work force. After Proposition 13, LA County was able to recoup some of its lost revenue due to the contract cities' increased dependence upon its services. How this translates into additional power for supervisors can be demonstrated by a recent battle between two councilmen from different contract cities who were vying for a seat on a local air pollution board. Tom Heinsheimer, a councilman from the city of Rolling Hills, was the representative of the cities of LA County on the South Coast Air Quality Management District Board. A councilman from Long Beach, Marc Wilder, decided to challenge Heinsheimer for the board seat. With the help of Supervisor Schabarum, who is also a board member, Heinsheimer was able to retain his post, and Schabarum was able to gain control over a second vote on the nine-member board.

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commission appointments were made for a predetermined number of years, and a change on the board did not affect a commissioner whose term had not expired. The new policy states that commission members serve "at the pleasure of the supervisors. There are certain commissions where there's a need for independence and that principle of independence is threatened by the removal of people," says Edelman, who is also concerned with Schabarum's tendency to stampede votes, which he believes "short-circuits the process."

To sense how Schabarum feels in his new role as kingmaker, one need only watch him on any given Tuesday as he reigns over the board meeting. The all-too-familiar scowl has been replaced by an affable grin as his eyes peer over his glasses with studied concentration. Appearing filled with himself, he cannot camouflage his euphoria. Still, he doesn't like talking about a conservative bloc under his control for fear it may alienate one of the other two conservative "individuals." Too much attention to Schabarum's dominance would not set well with Antonovich, who appears to have goals beyond the board. Although Antonovich vows that he and Schabarum are of similar minds on some of the issues, he seems almost obsessed with a need to tout his independence: "Supervisor Pete Schabarum's help was important, but I don't feel it had any significance relative to my winning the election." Most people in his district don't even know who Schabarum is, Antonovich insists.

The relationship between Dana and Schabarum appears to be very different. Recognizing the importance of Schabarum's financial support in his bid against incumbent Yvonne Burke, Dana rarely drifts from the senior member's wishes. Any direction from Schabarum seems to come as welcome relief to Dana, who routinely follows Schabarum's every action and word, admitting that in certain instances he looks up to Schabarum as a big brother.

His share of enemies

Where the current board will go under the stewardship of the conservative trio is a popular topic of speculation. Markey says, 'It's like starting over fresh," and he declines to predict the board's future direction. But those who have felt Schabarum's wrath over the years feel more certain and less optimistic. Schabarum's strong positions and intolerant, uncompromising ways have helped him accrue his share of enemies.

Bill Robertson, head of the County Federation of Labor, claims Schabarum "represents the business and industry community, utilizing a 19th-century philosophy based on the 'trickle-down' theory. He (Schabarum) feels that the unfortunate people are parasites on society. He doesn't seem to have compassion for illegals or people who have to be on welfare." Robertson is concerned over both Schabarum's plans to contract privately for county services and the present contract negotiations for county workers. The labor leader thinks that contracts will go to those firms which give the largest campaign contribution to the supervisors in control, with no regard for the quality of the service or the loss of jobs for county employees. As for contract negotiations, Robertson says, "We can only look at his past performance. During the last negotiations Supervisor Schabarum tried to provoke a countywide strike, and if he really has the support of the two new supervisors, it certainly places this county in a very critical situation."

Former Supervisor Ward agrees: "He (Schabarum) represents a broad range of narrow interests . . . the developers, construction firms, private entrepreneurs, private contractors . . . (and) I've always felt developers get their money's worth from Mr. Schabarum."

Carlyle Hall of the Center for Law in the Public Interest, adds that "Schabarum is not their (developers') paid servant. He is one of them — he *is* a developer. He thinks like them. If you put him in a room with 10 of them, you wouldn't be able to tell the difference between him and the others. They don't have to pay him to do their bidding; he does their bidding because that is what he wants. He reacts to problems the way they do. He has an extremely narrow perspective."

Hall, along with environmentalists, are aghast over the possibility of uncontrolled growth in the county under the new "development-oriented" majority on the board. Hall believes there will be more unguided growth with only lip-service given to the current environmental regulations. "They won't be able to eradicate the regulations; they just won't enforce them," he predicts.

Schabarum gets "a little miffed" by the environmentalists' charges that he's "interested in pouring concrete over every stick of ground. I've put more parks and trails in my part of the county over the last eight years than the rest of those characters have in 25. If that isn't being responsive to the left-wing environmentalists, I don't know what is. If I had my druthers, I'd just as soon put a wall around the whole state and have nobody else come in. I'm a closet 'no-growther.' I would have liked to have the population stay as it was in 1945 around here . . . with the orange groves and the truck farms . . . I loved the red car system; I used it . . . But I don't ever hear these folks (environmentalists) doing something like that, if we want to get right down to being serious about it."

As for Pete Schabarum the man, Hall says, "Schabarum is a 20th century cowboy with 19th century ideas" . . . He certainly projects the rough-rider image, rugged indivi-

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dualist with a "public-be-damned-I'm-going-to-do-my-thing" philosophy. With Schabarum, what you see is what you get. There are no false fronts, no hidden meanings. He has no patience for what he calls "doctrinaire crap or generalizations that make things too simplistic." His candor sells well in the First District in the conservative San Gabriel Valley, from which he was re-elected in 1974 with 71 percent of the popular vote and in 1978 with 57 percent in the face of four opponents.

His strong opinions are legendary in Los Angeles — from his intolerance of gays and prostitutes to his hatred for billboards. He wants to bring back what he calls "old family values" and put religion back in the schools. The crime problem results from the declining morality of the times, he says.

'Tough and crusty'

Not surprisingly, Schabarum has much praise for President Reagan, whose political course "is right down my alley." Also predictably, he believes the legacy the Brown Administration will leave behind will be utter chaos: "He has made a shambles of our state transportation and highway system, a shambles of our mental health system, a shambles of our health system, and he is making a shambles of the justice system."

Schabarum's critics say he is vindictive, abrasive, stubborn, uncompromising, with a violent temper and no compassion for the poor. Schabarum answers simply, "I'm a tough, crusty kind of guy, and I may get motivated and pumped up on occasion. But it gets the job done . . . and on the inside I'm really a softy."

Schabarum has a hard time understanding anyone or anything different from himself. As a self-made millionaire, he figures he pulled himself by the bootstraps, so why can't everyone else?

Both friend and foe agree Schabarum "does his homework" and is probably the best prepared of all the board members. As Judge Markey says, "You will not talk to Pete about a subject on which he is not well conversant with respect to the county. And if he doesn't know about it he'll soon find out. He does his work, makes up his mind, sticks to his position and he won't compromise. (And because of this) he is probably not a good politician."

Most politicians need to compromise their way to the top, but Schabarum may be the exception. Although he insists that he intends to concentrate on changes within the county, this is a man with higher ambitions. He is keenly aware that the imprint he makes on the county over the next few years could indeed propel him into the governor's office during the decade ahead.

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Circle-the-wagons time for the consumer movement

By SUSAN MADDEN JOHNSON

Is the Ralph Nader era of consumer supremacy in Washington and Sacramento about to come to an end? Under the Reagan Administration, it seems to be open season on the institutions dear to the hearts of consumer activists — the Federal Trade Commission, the Consumer Products Safety Commission, the Office of Consumer Education, the National Consumer Co-op Bank and the Legal Services Corporation. In Sacramento, consumer lobbyists are in a defensive position in the Legislature, although the Brown Administration remains strongly pro-consumer.

The consumer movement peaked in the late '60s and early '70s, as described by former "Nader Raider" Richard Spohn, now state director of Consumer Affairs: "The noticeable consumer groups tended to be very verbal, grassroots, multi-issue, harem-scarem, guerilla-warfare type operations. The local operations were complemented by fairly focused activities in Washington, particularly Nader's . . ."

Spohn says consumerists in the early days had to combat power with publicity. The technique of that day largely was muckraking and very public and visible clamoring," he recalls. "It was done publicly because there was a tremendous imbalance of resources. The consumer coalition, for example, that got the 'lifeline' rates was a coalition of groups from all over the Bay Area. They had some economists, but they certainly didn't have the economic talent or use of computers that Pacific Gas and Electric or the Public Utilities Commission had. So they pursued their goals with the resources that were available."

Eventually, the consumer movement gained recognition as a respectable cause, and it became almost institutionalized in California. But rough times appear ahead, although the leaders of the movement are not ready to concede any hard-won ground. Did the movement become complacent after the victories of the 1970s? Class-action-suit specialist Bob Gnaizda of San Francisco's Public Advocates explains: "It's like a war, in a way. People can get up for it for a while, and then they want peace and tranquility."

The consumers are no longer on the attack. But they are being aroused from their rest period by the changing atmosphere in Sacramento and Washington. At first, the consumer advocates were in a state of shock. Then they started to regroup again. Declared Spohn at a recent meeting of the Consumer Federation of California:

"The change that is imminent if the Reagan agenda is realized is truly awesome . . . Those who control the marketplace are going to determine the quality of our lives, if we permit ourselves to continue in the stupor that most of us are in right now. And I'm very concerned that the quality of our lives is plummeting, particularly for people on fixed incomes and people who work for set wages — those who can't take advantage of tax shelters and big investment opportunities."

A need for coordination

Nearly all the leaders of the movement (many of whom are now working for the state in influential positions) are emphasizing the need to work with other public-interest groups. Gnaizda believes that President Reagan's economic policies and advisers are going to push the consumer move-

Susan Madden Johnson wrote "Battling the 'death tax' " in the April 1981 Journal.

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ment into a broader coalition. "And hopefully from it will arise a dozen or two dozen important leaders," he says. "Nader is not a unique person. There are other people with those qualities who will come to the fore if the opportunities arise as they did in the '60s."

Last December, the West Coast branches of Consumers Union and Common Cause sponsored a conference as a first step in pulling the various groups together. "Individual groups tend to operate independently of one another," says CU's Harry Snyder. "Our strength is in having people who are specialists call on each other for support."

In addition to promoting cooperation, consumer activists are counting on some built-in blessings. For example:

- **It would be difficult** to find anyone in a policy-making position in the Brown Administration who has an anti-consumer bias. "You just won't find it, not only because they know it's not very smart, but also because they believe in the consumer," Spohn says.
- **The courts also** have been kind to consumers. Recently the state Supreme Court handed down a decision that said there is an implicit warranty that a rental unit has got to be habitable. "That's frontier consumer law," Spohn says. "You have the consumer position becoming institutionalized by the California Supreme Court." Gayle Phillips, lobbyist for the California Manufacturers Association, agrees. "A lot of obstacles for manufacturers are the result of decisions that have come out of the Supreme Court," she says.
- **A 1976 bill** added public members to most of the 38 state regulatory boards, bureaus, commissions and committees. These boards license, register and regulate about 1.4 million professionals such as doctors, lawyers, barbers, contractors, accountants, dentists and funeral directors. Until five years ago, such boards were composed entirely of licensees so that, in effect, each professional group was regulating itself. Now there is a majority of non-licensees, or public members, on all boards except those related to the healing arts, where only one-third are public representatives.
- **Although there is no** shortage of complaints from California consumers, a state agency called the Consumer Advisory Council actively solicits more by holding periodic hearings around the state. When complaints are heard repeatedly about the same industry, the council investigates and tries to remedy the situation, either through consumer information or legislation. The council concentrates on four to six bills a year but it's slow going against well-financed special interests. The council's executive secretary, Lynn Morris, admits that "if we win a couple of bills a year — even one good bill — we're ecstatic."

Public and private support

In addition to the complaints solicited by the council, there are at least 1,500 Californians who call consumer agencies every day to get advice or help in mediating consumer-merchant disputes. Until 1978 there were 26 county or city consumer agencies in California, but after passage of Proposition 13, half of those agencies were eliminated, and many of those remaining suffered severe budget cuts.

At the state level there is a Department of Consumer Affairs with 38 boards and commissions to mediate complaints against individuals in the professions they license. The attorney general's office also has a Consumer Law Section which handles cases of fraud. In many large counties, district attorneys also have consumer units.

There are also a few private groups left throughout the state that give assistance with consumer complaints. One of them is the 10-year-old San Francisco Consumer Action, which staffs a switchboard 20 hours a week to offer advice and referrals on consumer questions. The staff also researches and publishes numerous guides for consumers and does some lobbying in Sacramento.

There are other organizations that either practice or promote public-interest law, handling class-action cases which will advance the interests of more than one individual. They do not charge clients but may obtain fees by court award. Many of the poorest client groups are represented by a San Francisco law firm, Public Advocates, a firm with seven attorneys and about 15 law-student interns.

Public Interest Clearinghouse, another San Francisco-based organization, helps train lawyers who in turn help those who don't have traditional access to the legal system. "A typical consumer client may be somebody who's been ripped off by a bank for a total of $7.31," says co-director Trina Ostrander, "but there may be hundreds of thousands of people like your client, and the bank is making money hand over fist at their expense."

To help low-income utility consumers, there is another San Francisco-based organization called TURN (Toward Utility Rate Normalization). Since its inception in 1973, TURN claims it has saved Californians about $4 billion. TURN trains law school graduates in utility regulations, using funds from the Comprehensive Employment Training Act, a federal program the Reagan Administration has slated for oblivion. "If CETA is removed, and it probably will be, we're going to be in terrible shape," says Director Sylvia Siegel. After the lawyers are trained, they cover the Public Utility Commission's (PUC) evidentiary hearings, sometimes staffing four separate procedures in one day.

Pushing the PUC from the other direction are business and manufacturing interests. John Geoghegan, vice president of the California Manufacturers Association, argues that the combination of lifeline rates and the shortage of energy has created a situation where business and manufacturing are subsidizing homeowners. "We have argued that people should have to pay at least what it costs to get gas and electricity into their homes. Residences fall over $1 billion short statewide of hitting that basic cost of service level," he says.

At the pockets

TURN is currently battling Governor Brown's policy of promoting alternative-energy techniques by using investor-owned utilities as a delivery mechanism. "We have challenged the decision that would require the four large utilities to implement financing low- or no-interest loans in order to implement 375,000 solar systems statewide," Director Siegel says. "They're not bankers or marketers of these products. They're not consumer protectors. They're not real estate agents, but they will be because they're going to have a lien on your house if you take out a loan . . . The utilities will monopolize all of these fields. It's anti-competitive, and there are antitrust implications, not to mention severe inequities."

Siegel believes consumer advocates are going to need broader support if President Reagan is successful in cutting back the programs he wants. "Even consumer activists have to pay rent, and the organizations have to pay telephone bills," she says. "I think that every individual household is going to have to make a decision to support the people who look out for them — both by becoming active in the consumer group of their choice and by contributing a few dollars a year. It's to their advantage, because they are going to be cut off at the pockets."

A recent consumer-advocate victory appears to be short-lived. That was the defeat last year of a savings and loan-sponsored bill that would have allowed state-chartered institutions to offer variable-rate mortgages. Although it sailed through the Legislature with only 13 dissenting votes, Governor Brown vetoed it. Between the time the governor vetoed the bill in July and the time the Legislature

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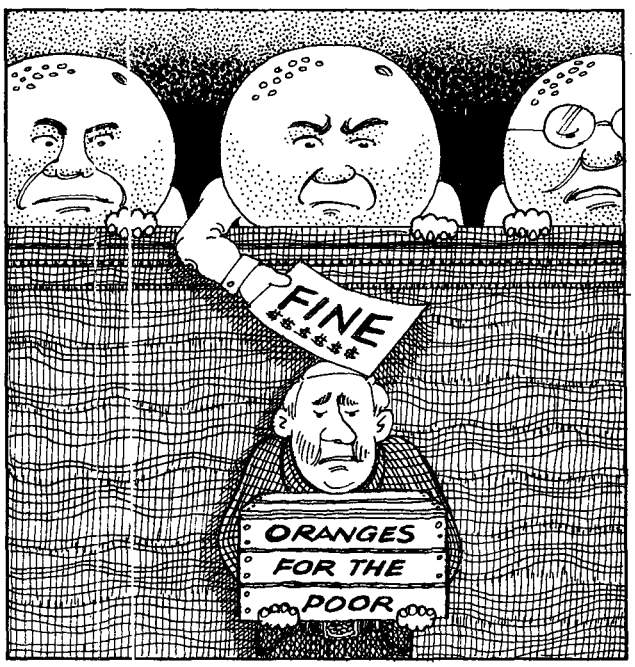
returned in August, a coalition composed of labor, minority, consumer, senior citizen, homeowner, student and women's groups organized a successful anti-override campaign.

But that was last year; this year it's a different story. Federal Comptroller of the Currency John Heimann issued regulations in March that allow about 4,600 federally chartered lending institutions throughout the country to issue home mortgages with fluctuating interest rates. The rate can rise or fall one percentage point every six months. There is no limit on how high it can go over a period of time. Under this regulation, if interest rates continue to rise, it is possible that a homeowner could end up owing more at the end of five years that he did when he took out the loan.

Under the threat that California-chartered institutions could recharter themselves under the federal government, Governor Brown now says he is willing to allow California's lending institutions to issue variable-rate mortgages also. The most the administration can now hope to do is to modify the regulations slightly to make them more attractive to consumers.



Although no official moves have been made yet in California to offer variable rates on other kinds of installment loans, they are available in a few other states and are being widely studied by bankers.

Co-ops and surpluses

Another element of the consumer movement relates to the food industry. At the state level, a program called the Cooperative Development Project has been operating for the past five years as a division of the Department of Consumer Affairs. Its staff writes and distributes technical assistance materials to farming and food cooperatives as well as helping new co-ops organize. It also assists co-ops by reviewing and introducing legislation and regulations affecting them. There are 70 cooperative food stores in California and at least one buying club (usually operating out of someone's home) in every city with a population of 40,000 or more.

The private sector also has impact on food policy in the state. In 1978 a nonprofit organization called the Food Policy Project was started by a previous Berkeley co-op manager, Don Rothenberg. Its first priority: inner city food distribution. At that time, there was no supermarket in the Watts section of Los Angeles within a three-mile radius; there was only one supermarket in West Oakland in an area serving 35,000 people, and there was no supermarket in East Palo Alto.

With project support, inner-city groups petitioned Governor Brown to do something about the problem. The state's Cooperative Development Project set up a technical assistance team to help develop co-ops and to train the staffs of three stores for one year — one in West Oakland, one in San Francisco south of Market Street, and one in Watts.

The Food Policy Project also pushes for better use of agricultural surplus and waste. "What I call an obscenity in our system is the dumping (referred to as 'processing' by the regulatory committees) of edible fruits and vegetables," Rothenberg says.

In 1975 and 1976 there were marketing surpluses in peaches, apples and pears, so the food co-ops in Northern California got around expensive packaging by shipping the fruit in bins, holding up to 500 pounds, directly from the farmer to the market. Recently the precedent of the bin program was called on again, this time due to a surplus of California navel oranges. Last December at a conference on direct marketing, a California grower named Carl (Skip) Pescosolido said he had dumped 42 percent of his crop because of federal marketing laws, and he expected to have to dump 50 percent of his 1981 crop. Rothenberg suggested he send his surplus oranges to people who are hungry and offered to help him find a way to distribute them.

"He ended up shipping well over 60,000 pounds of navel oranges that he donated at the cost of packaging and handling," recalls Rothenberg. "That was promotion of nutrition in the most effective way. Then the Navel Orange Committee, instead of praising the grower for his creativity, fined him $22,500."

Another consumer issue is item pricing. Until recently, each packaged item in grocery stores had a price stamped on it. Now markets are beginning to install electronic scanners capable of reading computerized codes that are printed on packaging but unreadable to shoppers. Grocers contend that it is no longer necessary to mark each item individually and that marking prices only on the shelves can save money, especially on labor. In January 1980 laws mandating item pricing were allowed to expire. As prices began coming off, people who wanted to reverse the trend began organizing. A strong bond developed between consumer and labor interests, especially the Retail Clerks Union. During the past year, more than 75 local ordinances on unit pricing have been passed. A bill for statewide mandatory item pricing has been introduced this year, with the support of the Consumer Advisory Council.

Les Howe of the California Retailers' Association says that few grocers have actually discontinued individual item pricing, even in stores that already have scanners. He believes that item pricing should be left up to local jurisdictions, not mandated by state law.

Back to the trenches

In spite of the problems facing consumer advocates, the movement is far from dead or dying. Some of the movement's veterans, remembering the camaraderie and excitement of the "good old days," appear eager for the opportunity to get back to the trenches.

There seems to be a consensus among consumer and business representatives alike that what President Reagan asks for and what he gets will be two different things. However, if major protective regulations and agencies are eliminated and consumers begin to feel the crunch, their advocates predict that another Nader era will result. As Trina Ostrander of Public Interest Clearinghouse puts it, "Most people don't know what the FTC does, but when they find out, look out."

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STRICTLY OPINION

*With this column, the **Journal** provides a forum for those wishing to express opinions on California political issues. Inquiries about future columns are encouraged.*

Letter to the boss

The following off-beat attack on the critics of political reform was written by Walter A. Zelman, executive director of California Common Cause.

The Honorable Richard P. Daley
Mayor, Subdivision 3
City Hall, Paradise 01968

Dear Mayor Daley:

You'd be really excited about some of the goings on down here.

Political reform is "dead." I read about it everywhere. In fact, it's more than dead. It's being widely accepted as the cause of all our problems. The country and the political system are completely out of tilt; inflation and unemployment are out of control; the public is thoroughly disillusioned; special interests are more powerful than ever; we Democrats, at least, are in total disarray.

But, get this, you can blame it all on the reformers. Lump in some good rhetoric about "bureaucrats" and the case is airtight.

And you'd be surprised and delighted to realize how many people are buying this line. A bit of shrewd logic, a touch of memory lapse, a drop of distortion, some good clean cynicism and the audience is putty in your hands.

Remember that old twist of logic: after, therefore because of? We used it a couple of times, whenever it worked. Well, it's perfect for the kick-the-reformers-around case. Campaign spending has been running wild since 1976. The reforms were enacted before that. Therefore the reforms caused the burst in spending, and all of the increases in special-interest bucks as well.

It works perfectly. No one remembers or cares that it was the reformers who yelled about the loophole that opened the door to the national business political action committees. And no one stops to think that PAC spending has also gone wild in states like California where there were never any limits on corporate or union money, and where reforms couldn't have had any relationship to campaign money.

You can also get away with laying the near-death of political parties on the reformers. The liberals reformed some party mechanisms, the parties mean almost nothing now, therefore the liberals blew it. (It's a great freebee shot at our old buddy McGovern.)

The fact is, of course, that here in Chicago we haven't had much in the way of reform, and ask Jane Byrne what's left of the party. Truth is, Your Honor, the Republicans are out there mastering all the new grass-roots tactics. But most of our pros can't organize a lousy precinct. Talk about a massive direct mail campaign to small givers and they go blank.

I even read in one article (this one's really too good to be believed) that Ted Kennedy probably would have won the nomination if the reformers hadn't gotten their hands on the presidential nominating system. That argument took the prize. Ted had the system perfectly set up for himself. Lots of primaries, starting in his home base, incredible popularity. What could have been more perfect for whipping an unpopular president who had only governors and mayors in his back pocket? Kennedy then goes and blows the campaign with a series of incredible screw-ups (and a little help from the Ayatollah), and Carter trounces him in the great majority of primaries.

Kennedy's defeat is then blamed on the reformers. You couldn't ask for a finer analysis. And this isn't work of some nut. I read this one in the *California Journal*.

The truth is, Your Honor, that not all the reforms have been that bad. It doesn't hurt, for one thing, to know where all our opponents are getting their bucks.

And don't tell the reformers, but I might even come to like the public financing. I never minded hitting up everyone on the block for $25 or $50 bucks. Take the 25, and help get the guy's kid a summer job. That never hurt anyone.

But you can't run that way anymore. TV costs and personalized computer letters are driving up the costs of campaigns so high that anything less than a grand seems petty. I spend more time working fat cats in corporate suites for big bucks than I do whipping up the troops in the precincts.

But, Your Honor, one thing really galls me. Much as I like to see those reformers get theirs, and thrilled as I am to see all those pundits worshipping the "good old days," I can't go for all this tearing everything down. God knows, we never minded kicking a few people around now and then. But we knew where we were going. We were never smug or cynical. We had hopes.

My point is we'd better not go leaping into bed with these critics of reform. Let's make what use we can of their stuff, but it won't help us much to swallow their bait, either.

If that's okay with you, that is.

Sincerely,

Joe Smith
Precinct Captain, Precinct 27

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Why Jean Moorhead switched political parties

Photos by Chris Van Overloop

By DANIEL J. BLACKBURN

On February 19th, Republican Assemblywoman Jean Moorhead of Sacramento took a deep breath, signed her name on a dotted line and wrote herself into the history of California politics. On that line, she penned the word "Democrat," which was unusual because until that moment Moorhead had been a Republican, and the dotted line was on a voter registration document.

In changing her party affiliation, Moorhead did something that has not been done for 22 years by a California legislator. Randolph Collier, long-time cow-county Senator, switched from Republican to Democrat in the watershed year of 1958, but Collier's electoral popularity was such that, in his prime, he could have called himself a fiddler crab without political repercussions. The jury is still out on Moorhead's decidedly radical departure from political convention.

Moorhead's action was the culmination of a classic personal struggle between conscience and logic, between heart and mind. She has become the focus of attention not because of accomplishments but because of specific, important decisions she has made on the basis of those intangible things called "feelings." Some of her critics are not reluctant to shrug their shoulders and dismiss her startling defection in simplistic terms:

"What you see in Jean is the soft side of a woman."

"She has lost sight of her priorities."

"Jean can count votes; her decision was calculated."

An unlikely role

Moorhead is a most unlikely figure to be center stage in such an esoteric political drama. Aside from a proclivity for overachieving, her pre-Capitol days were spent in an ordinary manner — college, marriage, children and profession.

Daniel J. Blackburn is a free-lance writer in Sacramento and a regular contributor to the Journal.

She landed in politics in 1978, when Democratic Assemblyman Eugene Gualco departed in search of judicial robes and left the 5th Assembly District in the northern portion of Sacramento County. Democrats were calm when Governor Jerry Brown appointed Gualco to the bench, because the 5th District is predominantly Democratic and considered "safe" for candidates with a (D) after their names.

In that year, Moorhead was a lobbyist representing the California Nurses' Association in the Capitol. Her background included degrees from Stanford University and San Jose State, a nursing career, some college teaching, a marriage and five children. So confident were the Democrats about the Gualco seat that they had 11 hopefuls in their primary race, while the Republicans hemmed, hawed and hestitated, putting forward no one. Moorhead stepped into the race and became the GOP's candidate in a district that has nearly three times as many Democrats as Republicans. She was assumed to be the lamb for the slaughter.

But she worked the district hard during the general election campaign, walking precincts and talking to voters. And when the electoral dust had settled, she had whipped Democrat Ben Franklin 58 percent to 31 percent.

Republican leadership in the lower house then consisted of Assemblyman Paul Priolo, who was so delighted by a Republican victory in the 5th that he encouraged her to forge her own legislative trail, to vote her heart. And so she did, albeit quietly.

"Having been a lobbyist," she recalls, "I knew some of the basic truths, like a freshman lawmaker should be quiet, learn, not make waves. That was fine; that suited my personality; that was me."

She was an enigma to her Republican colleagues, both upon her election and afterward, when she cast several votes that clashed with the prevailing GOP wisdom. But she was tolerated — an errant daughter perhaps, but family. Then there was a change in circumstances, and a subsequent

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change in rules: Priolo fell and was replaced by a hard-driving, thoroughly partisan Carol Hallett from Atascadero. The Republican caucus in the Assembly shifted into high gear: Repair, build, plan, unite and conquer. Its objective was nothing less than majority rule of the house.

A general plan was drafted, concentrating on protecting incumbent Republicans and "targeting" Democrats perceived as weak or vulnerable. While this shifting emphasis within the caucus was occurring, Moorhead stayed within her character, quietly observing — for the first time, she now says — an emerging stridency in the actions and comments of her colleagues that was unpleasant and confusing to her.

After her initial two-year term, Moorhead sallied forth against another Democrat, Sacramento County Supervisor Ted Sheedy, and whipped him in another 60-30 performance. While doing so, however, she took time off from her own campaign to do something that many people thought strange: She made a radio and television commercial supporting the candidacy of a Democrat. It was not just any Democrat, either, but Lou Papan, rules committee monarch, a Daly City man whose campaign for re-election was in trouble. Papan was a GOP "target," and a lot of Republican money had been poured into the campaign of Daly City Councilman Jim Tucker. Things looked good for Tucker at one point prior to the election, just before he got blind-sided by Jean Moorhead. This is how her endorsement commercial sounded:

> ***Announcer:*** *State Assemblywoman Jean Moorhead.*
>
> ***Mrs. Moorhead:*** *I've just completed my first term in the state Assembly and it's been a real experience. There is a great deal you have to learn quickly. It's no easy job to manage a 24 billion dollar public corporation owned by 23 million Californians.*
>
> *The man most responsible for keeping the machinery running smoothly is Assemblyman Lou Papan. I have always been able to rely on Lou. He is encouraging, knowledgeable, helpful and he talks straight from the shoulder. He's been an excellent teacher and an example for the newer members. Lou Papan has a reputation for being tough and powerful, but you seldom get to hear about his other qualities. He's compassionate, dedicated and a tireless worker. He's a top-notch legislator. Take it from a Republican who knows first hand, you have an outstanding representative in state Assemblyman Lou Papan.*

Republicans mouths fell open, silenced by shock, while Papan eked out a narrow victory to retain his seat. Moorhead had crossed the river of no return.

For her, it was quite simple: "The Republicans had launched a real drive against Papan, and I didn't think it was fair what they were doing . . . kicking the man when he was hurting so." Moorhead was alluding to something she knew about Papan at the time that wasn't widely known: that he had a 21-year-old son named John who was slowly dying of a mysterious malady so rare that his was the only known instance of the affliction — formally, Papan Syndrome.

A charge of treason

Because Moorhead is a nurse, Papan had confided in her about that private agony. And when the GOP began pounding at Papan during the campaign, Moorhead reacted with a decision devoid of political consideration: She agreed to support Papan's re-election campaign.

If she was disenchanted with her perceptions of Republican principles at that point, she would become more so. Having acted in a manner consistent with her personality, Moorhead thought she would be able to explain her decision to her party leaders. But such was not to be. Her taping of the Papan commercial caught the immediate eye of a Republican publication, *Viewpoint*, whose editor, James C. Dutra of Stockton, said that "Jean Moorhead's action should be regarded as nothing more than treason within party ranks." The words stung and the stigma grew. After the election, the state's GOP leadership huddled to decide what to do with — or to — this Moorhead woman. She got the silent treatment from her Republican colleagues for a while, legislative business having resumed and other considerations crowding her from the top of the agenda. But an assortment of GOP party bosses began calling for her censure, and Moorhead thinks such an action might have been taken had not minority leader Hallett intervened. She defused the

situation by successfully arguing that no rules existed forbidding what Moorhead had done for Papan, and that to formally punish her for breaking no rule would prove counterproductive.

By this time, certain facts were becoming evident to Moorhead. She knew that the rift she had created between herself and the Republican Party was, for all practical purposes, too wide to bridge. She had fallen permanently out of step. And there was a solution, of sorts: For several weeks, the Assembly Democrats had been most attentive, standing protectively beneath the GOP nest waiting for the strange fledgling to be ejected. "The Democrats would say to me, 'Come on, Jean; come on and be a Democrat. We're the good guys. You already think like a Democrat," Moorhead says.

Actually, party affiliations never really meant that much to her: "My parents were registered Republicans, not at all active politically, and I inherited my Republicanism." Her GOP convictions, thin from the outset, had all but worn through.

Then the Assembly Republican caucus, having coalesced under Hallet's direction, decided to adopt something called the "unit rule," which meant a two-thirds vote of the caucus

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would control GOP floor votes. Party members would have to vote with the caucus or abstain from voting at all. To Moorhead, the unit rule represented an insurmountable hurdle. With the rule in force, she would be unable to do that which she thought she must: vote in accordance with the wishes of her constituency.

"The thing had been, 'Do whatever you have to do for your district, and I think that has changed," Moorhead says. "It has changed by virtue of the fact that they (GOP caucus members) have said the only way you become the majority party is by having a unified and *disciplined* . . . underlined . . . minority."

By now Republicans were making no secret of their wish to punish Moorhead. Stories began appearing in the Sacramento press regularly, citing attempts by party chieftains to chastise her. The caucus set up a "disciplinary committee."

At odds with the party

"I was really concerned that my constituents would have a perception of me as a troublemaker," she recalls. "There was all this about censures and punishment; that . . . was how I was going to be known, instead of someone who worked for them and got things done. And I just said, 'I'm going to get out of this.' " She really wanted to be an "independent" at that point, but "what I discovered was that I could be independent within the Democratic Party. It was the sort of thing that just grew. All the time I seemed to be more and more at odds with the Republican Party."

Troubled by her quandary, Moorhead talked to the minister of her Presbyterian church, who suggested that she "wasn't giving the Republicans a chance." All right, she remembers thinking, I'm going to really try. In a conciliatory effort, she lunched individually with incoming Republican Assembly members.

"And then came the day when I took Don Sebastiani (of the Napa wine family) out to talk, having just found out that he had been appointed to this three-member disciplinary committee. I said, 'Hey, Don, this is heavy-duty. What are you going to do, set up a whole judicial system? Are you going to have misdemeanors, felonies — and will I be a repeat offender? And he said, 'Well, Jean, you *deserve* to be disciplined.' And I thought, why you little brat.

"He said, 'What I mean is, Republicans stand for something, and Democrats don't stand for anything. If you're going to be part of this party, you've got to be disciplined. We have to make an example.' " Then, Moorhead says, Sebastiani "leaned across the table, patted me on the hand, and said, 'Now Jean, don't change parties.' "

When she had made her decision to switch, Moorhead wrote her own press release and entrusted it to her secretary. Three of her six-person staff resigned immediately after her press conference. Democratic members volunteered the loan of staff to help during her transition.

Moorhead says she is developing a thicker political skin, working her district and trying to keep her perspective. "I'm not worried about what's around the next corner. I just know that there is a next corner, and that when I get there I'll be ready to turn it. I have not changed; the Republicans have."

Newsmakers

Two for the ALRB

Despite strong opposition from farm interests, the state Senate confirmed Governor Brown's appointment of two former legislators, **Alfred Song** and **Jerome Waldie,** to the state Agricultural Labor Relations Board. Following Waldie's confirmation, Brown appeared in the hallway outside the Senate chamber, but he was ordered to leave by Senate President pro Tempore **David Roberti,** who objected to Brown's attempt to "gloat" over an apparent victory. Song and Waldie each received 22 votes, one more than the 21 necessary for confirmation. Growers opposed the appointments, claiming that former Senator Song and former Assemblyman and Congressman Waldie were too friendly with United Farm Workers leader **Cesar Chavez.**

Meanwhile, the Senate was taking no action to confirm two other important Brown nominees — **Priscilla Grew** to the state Public Utilities Commission and **Lynn Shenk** as secretary of Business, Transportation and Housing. Both can serve for a year without confirmation. Senators apparently object more to Brown and his method of appointment than to the qualifications of Grew and Shenk.

Two Democrats — District Attorney **John Van de Kamp** of Los Angeles and state Senator **Omer Rains** of Ventura — had indicated that they are likely to run for attorney general next year. Another possible Democratic candidate is conservative Assemblyman **Alister McAlister** of San Jose . . . **Richard Ferraro,** a Republican Los Angeles school board member, indicated his intention of running for state superintendent of public instruction.

Superior Court Judge **Paul Egly,** who presided over the Los Angeles school segregation case for four years, resigned from the bench May 3rd. Egly said he decided not to seek re-election next year because "the entire desegregation case would be reopened." . . . Former state prisons chief **Jiro Enomoto** asked the Supreme Court to restore him to his former job with back pay . . . An occasional contributor to the *California Journal*, **George Thurlow** of Woodland, was wounded while covering the war in El Salvador.

Former Republican Assemblyman **Frank Lanterman** of La Canada, one of the chief architects of California's mental health program, died at the age of 79. Also dead: former Republican Assemblymen **Albert Wollenberg Sr.** of San Francisco and **Walter I. Dahl** of Piedmont. Wollenberg served a long career in the judiciary following his years in the Assembly. Dahl was 72, Wollenberg 81.

President Reagan named former state Senator **Robert Nimmo** of Atascadero as head of the Veterans Administration . . . Governor Brown created a new Department of Personnel Administration to negotiate collective-bargaining contracts with state employees and named **Marty Morgenstern,** his employee relations director, as head of the agency . . . Secretary of State March Fong Eu appointed **John F. Burns** as the new chief of the State Archives, replacing long-time archivist **William N. Davis Jr.,** who retired.

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Why Californians can't get homes they can afford

By E. J. KOTALIK

The American dream is becoming a nightmare for thousands of Californians trying to buy their own homes. "What we have on our hands is a first-class, certified social crisis," says M. Bruce Johnson, the research director of the Pacific Institute for Public Policy Research. The precipitous increase in home prices plus record-high interest rates have placed home ownership out of the reach of a large segment of this state's population. Only residents with an income in the top 15 percent can afford to buy the typical new single-family home which is currently offered at a price in excess of $116,000.

The present situation represents more than an individual dilemma for would-be homeowners who have been priced out of the market. If population and construction trends persist, some experts fear that California may experience a form of feudal renaissance, with permanent classes of haves and have-nots. In the short term, the scarcity of housing acts as a restraint on economic progress, with inevitable problems for government and industry. Already California-based and out-of-state corporations are re-evaluating plans to expand operations in the state because their workers and even some executives cannot find affordable housing.

Part of the reason for the housing crisis can be found in the dramatic increases in the sale-price components:

- **Residential land costs,** currently about 14 percent of the total sale price, rose almost 400 percent during the last decade.
- **The cost of the average structure,** including labor and materials, increased about 80 percent since 1970, accounting for 21 percent of the sales price.
- **Homes have also become** larger, with more elaborate amenities and design features aimed at a necessarily affluent clientele.
- **The monthly payment** for the typical 30-year mortgage skyrocketed from $165 in 1970 to $844 in 1980. The chilling effect on lower-income groups is readily apparent.

But there are other factors affecting cost — factors which industry leaders insist can and must be changed by local and state governments. They include:

Local land-use regulation. Over-regulation in the face of intense demand is the industry's most common explanation for the current housing dilemma. Historically, zoning codes, development permits and other forms of land-use regulation have safeguarded the public from undesirable development and have encouraged conservation of natural resources. But now, industry argues, these measures have evolved into devices which protect the investments and lifestyles of existing residents while effectively excluding moderate- and lower-income families. "There is no question that the number one enemy of the young, first-time homeowner is the one who has already bought a home," says Merrill Butler, past president of the National Association of Home Builders. He points to an econometric study of Santa Barbara County housing which indicated that growth-control regulations and restrictions accounted for more than 27 percent of the increase in real housing prices during the 1972-79 period.

Permit processing. Delays in processing building permits has an insidious effect on housing price and supply, according to developers. The California Association of Realtors estimates that the average lead time for a housing project in the state — from the time it is proposed to the time homes go up for sale — is two and half years. Government regulations have created a labyrinth in many communities which causes frustration and costly delays for developers who must pay interest and taxes on accumulated land. These increased costs are simply passed on to the consumer in a higher sales price. Each month of delay adds 1.5 to 2 percent to the final cost of the product, according to developers' statistics.

California Environmental Quality Act. Industry groups have assaulted CEQA with particular vigor. The state Supreme Court ruled in 1972 that an environmental impact report (EIR) is required as part of CEQA for private real estate activities that may have a significant effect on the environment and for which a permit or other entitlement for use was required. Developers argue that EIRs are excessively costly, complex, time-consuming and often redundant. Although CEQA has been hailed as an environmental milestone, it has also been criticized as another hurdle in the already languid approval process.

E. J. Kotalik is an economics graduate of Claremont Men's College and a California Senate fellow.

Help for housing

The following is an outline of four new laws that went into effect this year. They are all designed to produce more affordable homes for Californians.

AB 2853 (Roos) — Requires that every city and county adopt by October 1st a housing element in its general plan. The element will "identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and will make adequate provision for the existing and projected needs of all economic segments of the community."

AB 2320 (McCarthy) — Requires local governments to zone sufficient land at appropriate densities to meet the needs identified in their housing elements. The bill also requires local government to establish single permit centers by January 1st, 1983.

AB 3252 (Papan) — Shifts the burden of proof in adjudication to a local government which enacts a no-growth ordinance and requires the community to consider the impact of the ordinance on housing availability.

AB 2804 (Costa) — Prohibits discrimination against a residential development because the development is intended for occupancy by low- or moderate-income households.

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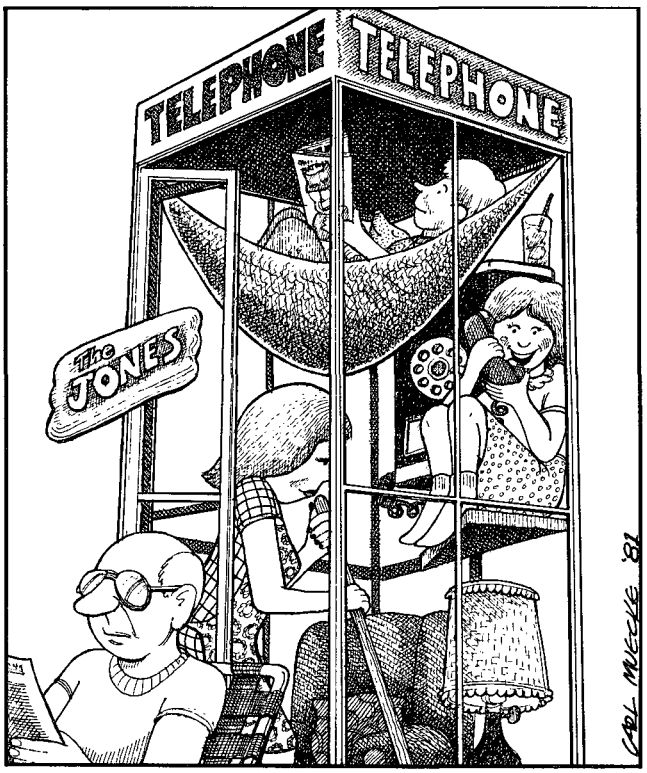
Local fiscal pressure. In the wake of Proposition 13, local governments appear to be passing on the cost of public services for new housing in the form of permit charges, fees and special taxes. Local fees for sewer and water connections, building permits and construction approvals are a convenient funding mechanism since these charges are not subject to a Proposition13-mandated vote. Even before Proposition 13 passed, such fees were rising. Two studies of development fees by Californians for an Environment of Excellence, Full Employment, and a Strong Economy Through Planned Development (CEEED) show that the median increase in fees in the 27 jurisdictions studied was over 30 percent per year, compounding from 1975 to 1979. Park fees in one community exceeded $6,000 per new dwelling unit. Cumulative fees accounted for 4 percent of the total sales price of a home in 1978.

Renter disincentives. Developers are becoming convinced that rental housing just does not pay. Rent-control ordinances and the fear of them have caused developers to shift their investments from new apartment units toward the construction of condominiums and townhouses. This shift has occurred even though there are specific exemptions in many rent-control ordinances for newly constructed units. Proposition 13 aided the rent-control movement by providing direct tax relief to homeowners and landlords but offering no direct benefits to renters. Additionally, the costs of building and operating apartments have gone up so much faster than rents that most rentals now yield an inadequate return on investment, unless they are converted to condominiums. By decreasing apartment availability, these conditions have precipitated additional demands for home ownership. The situation is typified in the Bay Area. Between 1970 and 1975, 130,000 apartment units were constructed in the region but only 52,000 were built in the last half of the decade.



Financing The high cost and limited supply of construction and mortgage loans contribute significantly to the shortage and cost of homes. The accelerating demand for new homes is expected to create a $40 to $50 billion shortfall in housing funds in the 1980s, a shortfall which will severely restrict the ability of low-income families to secure loans. Financing costs comprised about 5 percent of an Orange County sale price in 1978. In 1972, this component represented only 3 percent of the total price.

Cyclical instability. The direct relationship between residential construction and the availability of capital for mortgage loans suggests that housing is extremely vulnerable to fluctuations in money supply. Homebuilding peaked in 1972 and 1977 due to favorable capital market conditions. In 1980, high short-term interest rates on alternative debt instruments, like Treasury Bills, attracted demand deposits which would have been ordinarily available to finance residential real estate transactions. The absence of sufficient capital induced a significant decline in housing starts. Economic uncertainty and/or federal Reserve Board activity produced similar conditions in 1975, 1978 and 1979. This boom-or-bust tendency of residential housing production has a pervasive impact on the basic structure of the industry. The constant need to adjust to wide variations in production levels forces homebuilders to utilize relatively inefficient technology which minimizes fixed costs in plant and equipment. In the short term, construction slumps mean idle equipment, builder bankruptcies and unemployed construction workers. The fundamental uncertainty in the construction industry also requires a relatively high rate of return on the builder's investment to compensate for inordinate risk. "Although it is difficult to isolate the cumulative cost of these factors, home buyers are paying what can be considered instability insurance premiums," claims Dr. Arthur Solomon, director of the MIT-Harvard Joint Center for Urban Studies. "Clearly, the price of housing is higher than would be required under more constant production levels."

Inclusionary techniques

The ominous implications of affordable-housing shortages have incited a number of programs at the state and local level. Inclusionary zoning and related techniques have emerged as mitigating measures. Such zoning requires developers to set aside a specified percentage of units within a project for sale to low- and moderate-income families. Both the Coastal Commission and the state Department of Housing and Community Development (HCD) have promoted various inclusionary programs throughout California. Last year, the Coastal Commission instituted a requirement that a minimum of 25 percent of the units in new coastal developments be affordable to families earning up to 120 percent of the local median income. In 1977, HCD issued guidelines which call for a "fair share plan" in a city's housing element which establishes how much housing for low- and moderate-income persons should be available and outlines how that housing will be provided.

The Coastal Commission and HCD have encountered some opposition from local governments, which assert that state-mandated programs are enacted without regard for local circumstances. HCD, in particular, has been accused of eroding local control by forcing cities and counties to conform to rigid notions of development planning which ignore local economic realities. Nevertheless, inclusionary schemes have made available thousands of less expensive homes statewide.

Many local governments have successfully cooperated with builders in formulating affordable housing programs. Palo Alto's inclusionary zoning formula requires any new development of 20 or more units to reserve 20 to 40 percent of them to low- and moderate-income families. Qualified families, screened by the nonprofit Palo Alto Housing Corporation, must produce a 10 percent down payment and secure their own financing. Many jurisdictions will allow builders to make payments to the local housing authority in lieu of the prescribed inclusionary units. Santa Cruz County

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has made inclusionary requirements transferable from one project to another and even between builders as long as a minimum level of affordable units is attained. The city of Cupertino and other localities waive some builder charges, including park dedication and permit fees, for inclusionary units.

Density bonuses have also been used effectively by local governments to create affordable housing. A number of cities will alter local zoning ordinances to permit a builder to construct more units on a given parcel of land in exchange for a reduction in unit prices. This approach is attractive to builders since the density bonus maintains the margin of profit on the total development.

Although isolated successes are encouraging, developers insist that further state action is essential. The 1980 legislative session produced several laws, effective this year, designed to simplify construction approvals and increase housing through state mandates. (See box.)

In April 1980, Governor Brown established the Task Force on Affordable Housing to study the causes and effects of the current crisis and to recommend additional state initiatives. The task force and its chairman, Beverly Hills developer Nathan Shapell, have advocated legal mandates and technical assistance to facilitate development. Specifically, it has called for measures to prevent redundancy in the permit-review process and to limit full-scale environmental review to only ecologically sensitive areas.

Financing methods

Financing is also a major concern of the task force and lending agencies statewide. Recent state legislation expands variable rate mortgages (VRMs) which permit lower starting interest rates than do fixed-rate mortgages. Thus initial monthly payments are reduced, and more buyers can qualify for loans.

Other financing methods are being proposed, including renegotiable-rate mortgages, rollover mortgages and price-level adjusted mortgages. Other schemes such as equity sharing or appreciation participation would provide the lender with a lower stream of income in exchange for a portion of the appreciated value when a home is sold or refinanced. The borrower would get reduced mortgage payments over the life of the loan.

The building industry also is seeking better access to secondary capital markets which could stabilize construction financing. This secondary market is composed of private and public entities which purchase mortgages from the direct lender, thus providing more funds for new loans. The California Housing Finance Agency, for example, has provided more than 15,000 rental and ownership units since 1975 through tax-exempt mortgage revenue bond proceeds and the use of federal rent subsidies.

The Affordable Housing Task Force recommends that pension funds of the Public Employees Retirement System (PERS) and the State Teachers Retirement System (STRS) be required to invest a percentage of their monies through direct purchases of California home loans. AB 1342, signed by the governor last year, already authorizes qualified public employees to utilize their own retirement funds in PERS to establish a low-interest mortgage loan. "If the present 1 percent commitment of pension funds could be raised to 4 or 5 percent by the middle 1980s, we could go a long way in helping finance the shortfall (in housing funds) — perhaps some $15 billion of the projected $40 to $50 billion," says Maurice Mann, former head of the Federal Home-Loan Bank in San Francisco. But retirees are understandably concerned about the security of their financial lifeline, and legislative change will come slowly.

Some industry experts compare California's housing problem with the current oil crisis. Both are said to result from resource scarcity and government over-regulation. Both are regarded as social dynamite. The important distinction is that while the energy crisis has been addressed primarily at the national and international level, housing will remain an inherently state and local concern. California's affordable-housing dilemma will test the ability of decentralized government to meld short- and long-term policies.

SIGNIFICANT COURT ACTIONS

A writer, for a change

Governor Jerry Brown finally acted on May 7th to fill one of two vacancies on the state Supreme Court. His nomination of 61-year-old Otto Kaus, a presiding justice in the Court of Appeal in Los Angeles, came as no surprise to the legal community — although it did represent a change of pattern for Brown. Kaus is known among his colleagues as one of the best writers in the California judiciary. Brown's previous appointees to the high court have not earned exceptional grades for literature. Chief Justice Rose Bird is known as a clear and classy writer, but she has a problem with brevity. The other Brown appointee on the panel, Frank Newman, is just the opposite — extraordinarily brief and occasionally obscure.

Kaus was expected to be confirmed by the Commission on Judicial Qualifications. His standing on the philosophical spectrum is unknown. Some call him a liberal or moderate. But he has shown a reluctance to break new legal ground — the sign of a conservative — and stated flatly, "It's the Legislature's job to write new laws." A native of Vienna, Kaus came to the United States in 1939, served in the Navy during World War II and received his law degree from Loyola University in Los Angeles. He has been a judge for 20 years and has presided over Division Five of the appellate bench in Los Angeles since 1966.

Brown faced a political problem in replacing the late Wiley Manuel and William Clark, new undersecretary of state in the Reagan Administration. With the crime issue on voters' minds, he could hardly afford to appoint a judge with an anti-police image. Kaus, who is popular with his colleagues, carries no such image even though he has written some 1,500 decisions in his long career. That's because he has not sought to break new ground but to follow the dictates of higher courts. Nevertheless, his writing style has made its mark. Observed noted appellate attorney Edward Lascher of Ventura: "One could do worse that make a collection of Otto Kaus' footnotes."

Not a federal case

In a 10-year-old case, the United States Supreme Court dismissed an effort by the Sierra Club to require California officials to obtain a permit from the Army Corps of Engineers before building the proposed Peripheral Canal or any other major water project.

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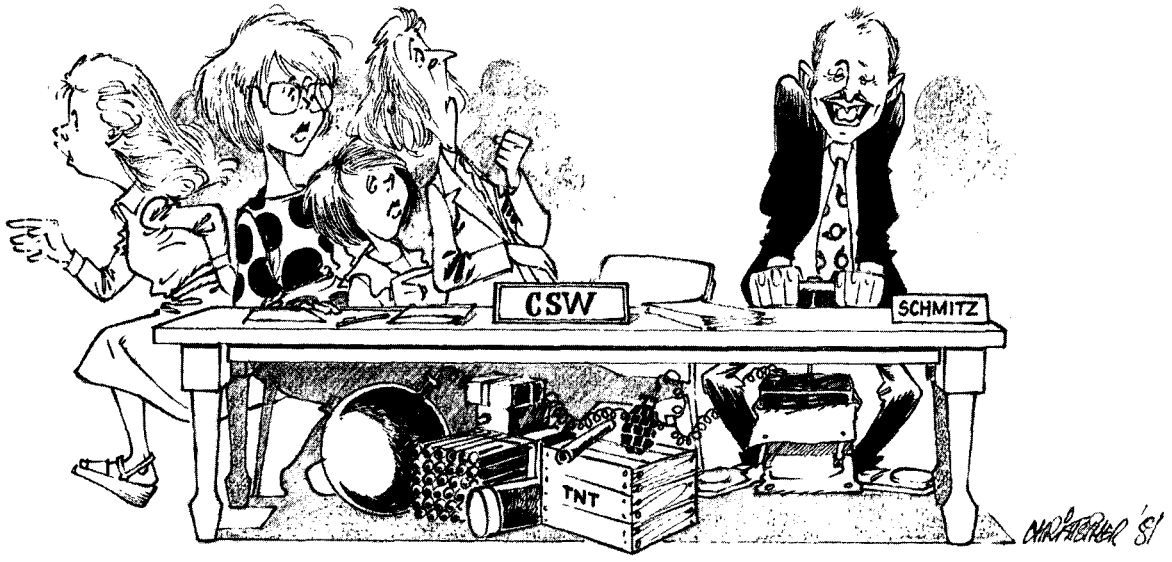
Precarious status for the Commission on the Status of Women



By MICHELE WILLENS

The irony, of course, is that the California Commission on the Status of Women never got much notice until it got into trouble. In the past few months, the 17-member body has been delivered a one-two punch it neither expected nor wanted. First, Senate President pro Tempore David Roberti, a supposed "friend" of the commission, appointed conservative state Senator John Schmitz to one of its open seats. Schmitz was one of three "no" votes to the commission's inception 16 years ago and is proud of his vigorous opposition to the Equal Rights Amendment.

Then, late in March, a Senate Finance subcommittee was looking into the commission's request for a $30,000 addition to its annual $380,000 budget. To nearly everyone's surprise, the subcommittee voted to abolish the commission altogether. The funding cancellation will be discussed — and possibly revoked — in further hearings soon, before the full Senate Finance Committee and probably an Assembly-Senate conference committee. Still, in the words of Commission Vice Chairwoman Beth Jackson, "The damage has been done."

There are about 330 various state commissions, most of them functioning within the government bureaucracy. The Commission on the Status of Women is one of the few which answers directly to the governor and the Legislature. While all commissions are purportedly getting close inspections amid budget-cutting fever, none seems quite the symbolic scapegoat that the CSW is. "They're out to get you," a Roberti staffer recently warned one commission member.

The opposing sides are clearly drawn. Some commission advocates believe that several male chauvinists were just waiting in their legislative closets for an excuse to pounce on all those unfeminine ladies, and the Reagan mandate is giving them the perfect excuse.

Some of the commission's opponents simply feel the CSW has never been anything but a symbol and that it speaks only for a certain kind of female constituent anyway.

The 'libber' image

"I don't know why leftist women should have taxpayers' money to pay for their lobbying," says Schmitz. "The commission members don't realize they are a minority point of view. They talk to each other a lot, and if it weren't for the women libbers in the media, they wouldn't have any power at all. I don't even think they represent the average professional woman. Most are just professional ideologues."

But commission members deny that stereotype. "The typical perception of women's groups is that they are all liberal," says Linda Kasem, who is a conservative Republican member of the CSW. A close look at the full commission shows more variety than can be found on most other state commissions: blacks, Chicanos, Asians, businesswomen, housewives, plus the state superintendent of schools and a handful of legislative members.

"This commission was set up under Reagan," says Kasem, "and we're made up of all kinds of people. We're not all anything. The only thing we all believe is that once women make the choice to join the work force — and let's face it, most of them have — they are entitled to equal opportunity and pay."

The balance of the commission certainly got a dramatic

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tilt rightward with the surprising appointment of Schmitz, and the man who appointed him — Roberti — has taken his share of heat. Roberti says he isn't eager to see the CSW go out of business, but commission members remain suspicious.

"Unlike what the women think, I'm not hostile to the commission," Roberti insists. "Their problem has been that they are hostile to people who don't agree with them on everything. As far as the Schmitz appointment is concerned, I simply felt that side's point of view should be represented. He is only one of 17, and you have to take it in context with who else has been appointed. I have to balance, to be fair to conservatives. "I never would have thought of Schmitz, but he indicated he was interested and I like to give appointments to people who care. You've got to admit he's gotten the commission more publicity than it's ever had."

Schmitz says that he does not intend to destroy the commission by disruption, "but I do hope (my appointment) will slow them down. I was appointed the same time as (state Senator) Diane Watson, and part of the phoniness of this is that no one complains about her, and she represents an extreme. Why would I want to be on something I oppose? For the same reason someone who voted against a bill wants to be on the conference committee deciding its future. Also, I feel someone has to speak for women like Phyllis Schlafly and my wife, who is sort of the Schlafly of Orange County."

Although Roberti claims he wasn't trying to "get back" at the commission for anything, he was clearly stung last year by the commission's refusal to support a bill he introduced — and which passed — dealing with informed consent for breast cancer patients. It requires that doctors must tell patients about alternatives to radical mastectomies.

"We did not oppose the bill and, in fact, we disseminated information about it," says Helyne Meshar, the legislative coordinator for CSW. "We chose to remain neutral because the commission hasn't worked out its position on informed consent issues. There were other bills also dealing with it, including one on abortion. Informed consent can be a double-edged sword." (A Roberti staff member concedes that Roberti is also a bit fed up with the commission's strong pro-choice positions. The Senate leader is a strong opponent of abortion.)

No longer necessary?

The main criticism of the CSW is probably not that it represents only liberal, feminist views but that it just doesn't do all that much. For five years, state Senator Alfred Alquist was a supporter of the commission, yet he voted in March to abolish it. "My first reason," Alquist explains," is that we've got to cut a lot out of the state budget this year. I know $400,000 is a small amount by itself, but it's almost half a million dollars and it's (significant) when you lump everything together . . . Everyone thinks they are important.

"I helped in the formation of the women's commission, because at the time, there were no private groups helping women. Now, you have the National Organization for Women and the National Women's Political Caucus, and the larger counties have their own commissions on women. So the CSW is no longer necessary. We have to look at all state agencies in terms of duplication."

Commission members insist their work is both necessary and unique. "Our group has a special relationship with other state agencies," says CSW Chairwoman Irene Hirano. "But most important, no other group can monitor legislation like we do. We have built key relationships with legislators. We also provide a clearinghouse for all women's commissions in the state."

The commission says it played a key role in the passage of state Senator Alan Robbins' rape bill and Senator Robert Presley's bill on domestic violence. Currently it is focusing on legislation involving violence against women. It has held hearings this year on comparable pay for comparable work emphasizing that the majority of working women are segregated into female-dominated, low-paying occupations. It has also undertaken a study of female farmworkers in California, and another on womens' needs in the '80s.

Even though Alquist and other commission critics say private, more politically oriented women's groups can do the same work as the CSW, leaders of such groups disagree. "It just isn't so that we can handle all that work if the commission dies," says Sacramento NOW President Glory Wicklund. "First of all, we are a volunteer organization; we don't have paid staff like the commission, and we can't go around the state taking testimony like they can. We end up referring a lot of people to the commission because they have the good contacts. Also, legislators often won't even listen to us because they feel we are too biased."

Like most state commissions, the CSW has been accused of doing little more than lobbying, holding hearings and conducting studies that waste time and paper. But as one top legislative aide in the Capitol says, "The women's commission does more than most of the others because its members are really focused and really care. I'd say it is among the most active commissions, and we certainly go to them about bills that might have an adverse impact on women which we may have overlooked. In a sense, the women's commission may be getting punished now because it is too effective, too vocal. On a paltry budget and with a small staff, they've done damn well."

Assemblywoman and commission member Maxine Waters sees the threat to CSW as "a distinct act of hostility and a refusal to view the commission as anything more than women at play. If women appear to be a growing force, conservatives and chauvinists are intimidated. The commission is the only source a legislator can rely on to learn how bills will affect women. And the hearings are important because they're the only way to get issues addressed. The bottom line is, most legislators have never bought the idea there is inequality — or they don't mind it."

Senator Alan Sieroty, another commission member, agrees with Watson's assessment. "Legislators don't take anything seriously but themselves," he says. "I'd say picking on this commission is not insignificant. I think there is still far too much to be done, which is why I'm trying to get the funding back. But most legislators wouldn't agree."

A climate for cutbacks

Schmitz feels the times favor the commission's opponents. "We are helped now by the climate of the election of Reagan and all the cutbacks," he says. "I'd say this is one of many unnecessary commissions, maybe the most blatant in its uselessness. Still, if we had the money, maybe we could let it exist just to keep them occupied, like subsidizing an old-fashioned bridge discussion."

Even though there have been expressions of support for the commission's continued existence, its members say they have been weakened by the recent negative publicity. "When Roberti appointed Schmitz," says member Kasem, "it opened the way for all this flaming rhetoric. And that in turn set a climate in which legislators could cut our funding."

"California is one of the most progressive states on women's issues," adds attorney-member Beth Jackson, "and many women's commissions in those states look to us for leadership. What better way to stop that progression than to take our presence out of Sacramento? Even if we get our funding back, this can only be seen as a setback, not just for women but for California as a whole."

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The remarkable career of Tom Lantos, Holocaust survivor

By MARK SIMON

When Democrat Tom Lantos said last year that he wanted to run against incumbent Republican Bill Royer in the 11th Congressional District, nobody tried to stop him — but nobody thought he could win.

San Mateo County Democrats needed somebody to run against Royer. In a race nobody else relished, Lantos was a willing candidate. Yet he seemed to have everything going against him. His appearance was unusual. He is tall, with a shock of white, curly hair set above a bright red face. His manner can be arrogant and pompous. His speaking style is hindered by the thick accent of his Hungarian homeland. His Hillsborough home is hardly the typical base for grassroots Democratic politics. One local newspaper editorial described him as a "silk-stocking Democrat."

Pro-Israeli credentials

Lantos' political and professional background was even greater cause for concern among local Democrats. His sole experience in elective office was two terms on a local city school board. His district political contacts were nearly nonexistent. He boasted that he would raise $400,000 for his campaign, but he had few local financial backers. And his professional background was replete with complications: Twice Lantos had left administrative positions in the education field under questionable circumstances.

"I wasn't given a ghost of a chance," Lantos recalls. "I was laughed at by the pundits for running against a multimillionaire incumbent Republican in a Republican year."

There was more to Lantos than met the eye, however. His political background included an impressive stint as a fundraiser for Senator Frank Church of Idaho before and during Church's unsuccessful presidential campaign in 1976. Lantos reportedly was most effective raising money among traditional pro-Israel and Jewish-American contributors.

Lantos' background was well-suited for his fund-raising activity. A survivor of the Nazi Holocaust, Lantos escaped from Hungary after twice being placed in forced work camps. His rescue was aided by Raoul Wallenberg, an American-educated Swede who used his authority as a Swedish diplomat to save several thousand Jews from Nazi death camps. Lantos' unquestioned credentials within the Jewish and pro-Israel community and his previous contacts made him a likely recipient for large chunks of money from pro-Israel interests in the United States. They provided him with a major portion of his campaign budget.

On the other hand, Royer was the picture of a safe incumbent facing a carefree stroll to re-election. Royer was a conservative Republican with a record of fiscal frugality. He had twice been a Reagan delegate to national conventions. In his first term he had compiled a voting record in support of deregulation of the oil industry and Kemp-Roth tax cuts. He subscribed wholeheartedly to the new gospel of limited government involvement and government cutbacks.

In the district, Royer was the consummate local politician. He was wealthy as a result of real-estate investments but not pushy about it. He had run twice countywide for the board of supervisors and in his last supervisorial election he topped the ballot, winning nearly 70 percent of the vote. His

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name identification rivaled his vote-getting ability. Private polls showed him heavily favored over Lantos.

Royer's public manner betrayed little of his political clout. He was down-to-earth and approachable. His speaking style was sometimes fumbling and his wardrobe ran to polyester.

Royer's invincibility was the accepted political wisdom in both Republican and Democratic circles. His loss, then, was the severest of shocks. Lantos likes to note that only two unindicted Republican congressmen failed to win re-election. Royer was one of them.

The Republican's loss resulted from classic complacency and overconfidence, underestimation of his opponent and missed opportunities. The reason was clear: Royer thought he had the district's political structure under his control.

The 11th Congressional District was the creation of then-Assemblyman Leo Ryan. The district's population covers a lot of economic and educational ground from the ultra-rich, well-educated of Hillsborough to the lower-income, poorly educated minorities bordering San Francisco's Mission District. It is a bedroom-community district. When Ryan drew the district, he made it safe but not gaudy. The district has a history of capricious voting habits. In 1976, Democrat Ryan won a nearly 2 to 1 majority. In the same election, Gerald Ford beat Jimmy Carter in the 11th by a solid majority. Carter had been endorsed by Ryan.

Ryan's death in 1978 led to a special election in 1979. Royer won the special after a primary fight that left the Democrats badly divided. Once in office, Royer continued to work the district. He held numerous constituent meetings and tended his political contacts. His name identification, inflated during the media-intensive special election, dropped off only slightly.

Avoiding Reagan

Royer's advisers decided their only problem would be avoiding a major gaffe that could bring down his impressive standing in the polls. In a key strategy meeting early in the campaign, they settled on a campaign that would emphasize Royer's positive contributions and remain "above the fray" of the local political setting. The strategy included ignoring Lantos and giving no attention to any attacks he might launch. It also included ignoring any of Lantos' potential weak spots.

Shortly after that meeting, Royer's staff members implemented their first decision in keeping with the "above-the-fray" strategy: They decided Ronald Reagan could prove to be a liability to Royer's re-election campaign. (During this period, Reagan committed his two biggest campaign errors by calling the Vietnam War "a noble cause" and the theory of evolution a "questionable" approach to creation.)

In avoiding a direct link with Reagan, Royer rejected the one tactic that has characterized campaigns on the Peninsula for years. Royer could have been expected to mail out brochures in which Reagan endorsed and praised Royer; radio and television commercials would have appeared locally stressing the two as a team. Royer would have none of it. The one nod to Reagan came during a joint appearance on a platform in Sunnyvale, and that appearance seemed cursory.

Royer was just as diligent in ignoring Lantos. He refused to reply to repeated debate challenges, and he ignored a thumping attack by Lantos on Royer's voting record. Royer went about the business of presenting his record to the voters, couched in terms to his liking. Royer said he expected his own effort to be an adequate response to Lantos' blistering assertions that Royer was pro-business, pro-oil, anti-conservation, anti-senior citizen and too conservative for the district.

Royer even ignored Lantos' problem-plagued past. While an instructor at San Francisco State College, Lantos founded the state college system's foreign study program. For several years, he ran it as a chancellor runs a college. In 1972, he left the position amid charges he had mismanaged the program's budget. State college officials say they fired Lantos; he says he quit. During the campaign, a newspaper account of Lantos' trouble went without comment from Royer.

There was more. Lantos had been controller for the California Teachers Association for several years. He departed in 1978 and when he left CTA was $6 million in debt. Some board members had called for Lantos' dismissal. Lantos resigned, however, and took with him a letter of praise from CTA executives. Royer never raised the issue of Lantos' CTA activities.

With two weeks to go in the election, Royer's strategy seemed to be working. Private polls by both Republicans and Democrats showed Royer holding a massive 5 to 1 lead. But in the final two weeks of the campaign, Lantos put his contacts to work and spent more than $150,000 pounding away on radio, television, in newspapers and in mailers on three basic themes: Lantos was competent and experienced; he had the respect of well-known public officials and Royer was out-of-step with the district's needs. Royer's own media plans were cut back in the final days, and he finished the campaign with a $20,000 surplus in his treasury.

On November 4th, while most of the country was defeating Democrats, Lantos won. He got 85,203 votes to Royer's 79,586, beating the incumbent by about 3 percent of the vote.

A fast start

Lantos' first term in Congress is less than six months old, but he is off to a fast start. He has quickly established himself as a leading voice for Israeli interests — his maiden speech from the floor of the House was to protest the sale of arms to Saudi Arabia — and he has sponsored a resolution calling for honorary citizenship for Wallenberg, even though the Swedish hero of World War II has been reported dead. His eloquence and perceptive questioning in congressional hearings has earned him prominent play in the national press and on network television. There are early indications he will be able to play an unusually active role for a first-term congressman.

In the district, he is taking careful steps to assure that his re-election effort will not go the way of Royer's. He has vowed to raise $750,000 for his next campaign, and he has started a Capitol Club of district contributors. He has vowed to return to the district often and already has held two sets of weekend constituent meetings. He spent most of April in the district and is using his local speaking engagements to great effect, frequently winning over new supporters from audiences once hostile to him.

On election night, a dazed and dismal Royer said, "I guess I misinterpreted how effective his campaign was." Royer said he never raised the issue of Lantos' past because, he said, "I didn't think I should stoop to that level. It appears that was a mistake."

It was a mistake, Lantos agrees, but then he had counted on Royer making mistakes. With characteristic immodesty, he explains, "I think I won because I'm 10 times the man Royer was."

Such confidence may not be enough to win Lantos re-election in 1982. Reapportionment is expected to push his district farther south into the wealthy Republican communities of the San Francisco Peninsula now represented by GOP Congressman Pete McCloskey. To win next year, Lantos may indeed have to be 10 times as good a politician as his opponent.

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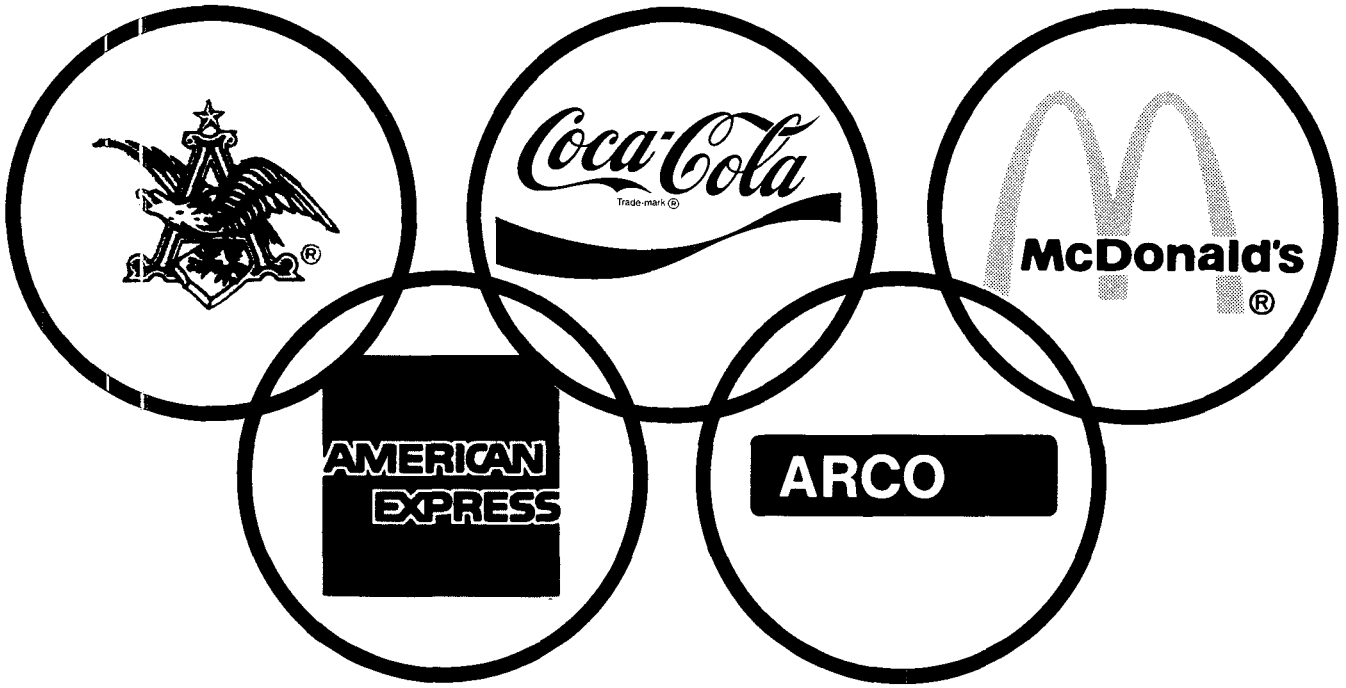
Keeping of a promise for a budget-minded Olympics



By MICHELE WILLENS

Many thought it couldn't be done, but it appears that the first cost-conscious Olympics may be coming. And where better, in the age of Reagan cut-squeeze-trim economics, than in the president's home town, Los Angeles?

For the past eight months, a staff of 30 has been working in a Century City office building to keep a promise made to the citizens of Los Angeles: that they would not be asked to cough up a cent for the honor of hosting the 1984 Games. That was a guarantee forced into the City Charter three years ago by concerned — and politically shrewd — officials like City Councilman Bob Ronka, who questioned Mayor Tom Bradley's assurance that an Olympic event would pay for itself and then some.

The last city that heard similar assurances was Montreal, where the Games left a lot of unusable new facilities and a billion-dollar debt. The Los Angeles Olympic Committee, facing a host of dubious politicians, pledged to conduct the Games like a business. So far, it has. There have been no private contributions or federal or state money yet accepted for the Games. All the money for the proposed $450 million budget is supposed to come from corporate sponsors and television coverage.

A dozen sponsors — including Coca Cola, American Express, McDonald's, ARCO and Anheuser-Busch — already have put in hefty contributions, and ABC paid a whopping $225 million for television rights. About $300 million has been raised so far.

Also as promised, the committee is planning to rely on existing facilities rather than constructing new ones. Instead of new Olympic Villages, the athletes will find themselves housed in college dormitories. The only new sporting facilities planned are a velodrome at Cal State in Dominguez Hills (to be paid for by the 7-11 stores) and a swimming pool at the University of Southern California, compliments of McDonald's. The site of a rowing course has been the source of the only controversy marring Olympic efforts thus far. Mayor Bradley's favored site in the San Fernando Valley's Sepulveda Basin aroused substantial public opposition from Valley residents. In April the international rowing and canoeing federations vetoed the site — relieving local Olympic officials of the hard choice between disloyalty to Bradley's choice and reneging on a pledge not to build there if the public objected. The likely choice for canoeing-rowing events: Lake Casitas in Ventura County, with contestants housed in Santa Barbara rather than Los Angeles.

On track

There are no current symptoms of "the-Olympics-are-coming" fever around the city, and that suits the plans of LA Olympics Committee President Peter Ueberroth and Chairman Paul Ziffren. Ueberroth, in particular, is devoting full time to the Games, having left a successful travel

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business to concentrate on committee work. The first year's goals, he says, are to get things in place, set the stage and get the money.

"Next in line, we want to be ready, from a facilities point of view, by the end of 1982," Ueberroth says. "And so far we have contracted almost all the venues, so we're right on track. Then, from 1982 to 1984, we do all the fine tuning, like ticket distribution and organizing the volunteers. We also will start planning cultural activities to build excitement for the Games."

Ueberroth and Company have already succeeded in changing the image of the Games from one of quadrennial spectacle to an event with long-range value. They want all the money to come from non-tax sources, and they want the facilities to serve Los Angeles for many years.

"We are thinking long-term in every area," says Ueberroth. "We've contracted with ARCO to build six training tracks for athletes, but they are really for the youth of the city. Any profits from the games, which we do expect, will go to amateur athletics. We want to make sure that each thing we do leaves something permanent in Los Angeles."

Past critics and skeptics of the city's rosy plans for the Games are generally pleased with the committee's efforts. "I think they have done a fine job," says Councilman Ronka, "both in saving our taxpayers' money and in paving the way for a new, modern Olympics."

Even the International Olympic Committee seems resigned to the fact that extravagant accommodations are things of the past. "The (LA) Games will be organized with an original concept, and we have no doubts of their successful outcome," wrote the president and executive director of the IOC recently. "This outcome is very important for future games."

The chief concerns about the 1984 Games involve security (Will there be enough?) and commercialism (Will there be too much?). The LA committee insists that it will grant fewer corporate sponsorships than officials at Lake Placid did for the Winter Olympics last year. What's more, they say, the visible corporate images will be kept to a minimum.

As for security, planning Olympic spokeswoman Amy Collis says, "We are talking as little about that as possible, for obvious reasons. I can assure you security will be handled well and with a number of international agencies participating."

Commander Bill Rathburn, directing the security operation for the Los Angeles Police Department, has been working on the project for two years. He's beginning by learning how Olympics have been handled in the past. "I've never been involved with anything of this magnitude," Rathburn admits. "Just setting up the coordination between all the various law enforcement agencies is massive. The Games will be in many different areas, so we will be using the police and sheriff departments of not only Los Angeles but Inglewood, Pasadena, Long Beach, Arcadia, Anaheim and so on.

"Will we have enough officers? I can only say there will be lots of overtime during the Games, and no one will be on vacation." Rathburn also has talked to federal and international security agencies, but he feels the "terrorist" fear that followed the Munich games has subsided somewhat. Millions will be spent on the LAPD security plans alone.

"We don't pretend there won't be problems," says committee Chairman Paul Ziffren, "but I'm confident we will be prepared to handle them all and end up with a satisfactory surplus."

What about the inevitable problems of ticket scalping, and keeping prices within reach of low-income residents? "We will work out a system that will eliminate scalping as much as humanly possible," Ziffren says. "Underprivileged young people will be given special tickets for the Games, and we will try to make sure they will use the tickets and not sell them at higher prices."

So far Olympic planning appears to be going smoothly and professionally. Mayor Bradley, busy with his re-election campaign and a possible run for governor, is involved only on an occasional basis. Would he postpone gubernatorial ambitions to remain in office through the Games? "He doesn't feel he has to be mayor for the Olympics," says his spokesman Tom Sullivan. "He'd be proud just to be an interested citizen."

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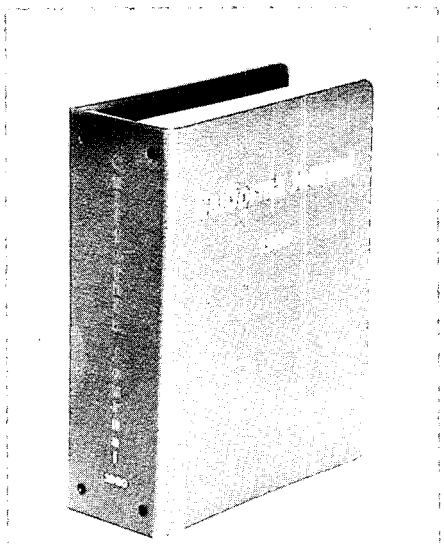

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The providers of mother's milk for those expensive judicial races

By DENA COCHRAN

California judges steamed into troubled waters in last November's election. Five out of seven challenged incumbents lost their seats in full-blown political campaigns. Spending records for judicial races were broken from San Francisco to Santa Ana.

The statewide trend toward judicial challenges and active campaigning for seats on the bench began in 1976, picked up speed in 1978 and became a cause of serious concern in the 1980 elections.

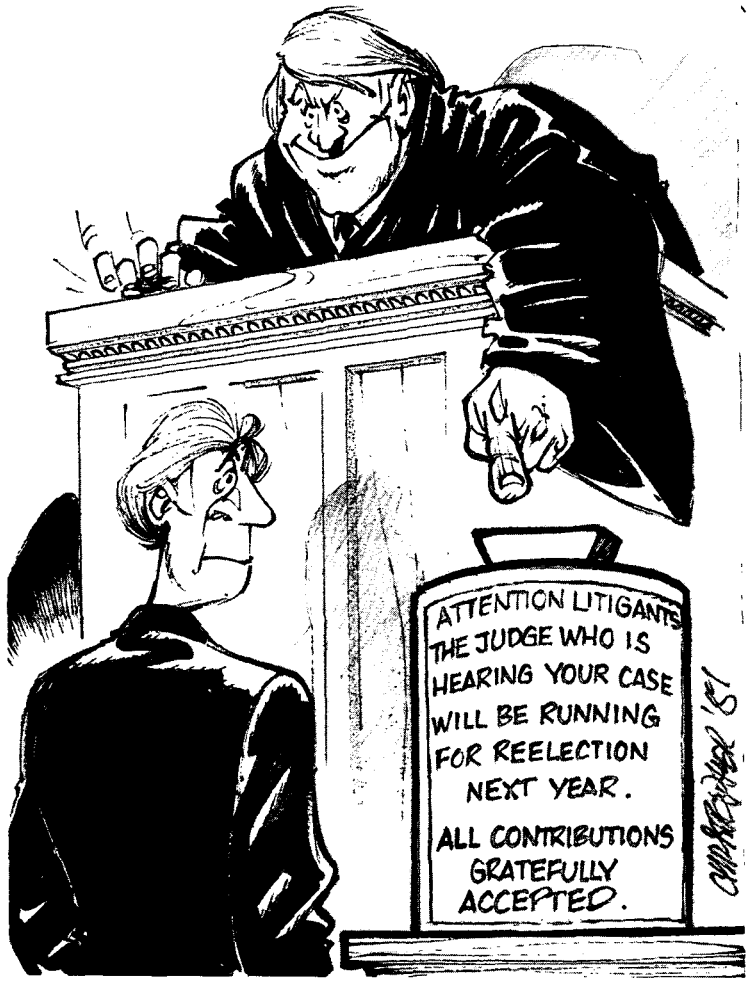
"The situation we face now is deplorable," says Superior Court Judge Hollis Best, presiding judge in Fresno County last year. "The judiciary doesn't belong in politics. It's just about impossible for us to do the job we're supposed to be doing if we have to keep looking over our shoulders to see what the public may think about our decisions. The judiciary is supposed to be above all that."

The five incumbent judges who lost their seats in runoffs last November found they were definitely not "above all that." One, former Municipal Court Judge Richard Orozco of Orange County, was forced to campaign almost continually for several months. First he was declared the winner in the primary; then after a recount he was declared the loser; then, because of a ballot printing error, the primary election was declared invalid. Orozco, an appointee of Governor Jerry Brown, had to gear up for another race in November. When the votes were tallied his challenger, Bobby D. Youngblood, had 50.03 percent and Orozco had 49.97. In addition to being out of a job, Orozco is nearly $14,000 in debt.

Five of the seven challenges to judicial incumbents mounted in November were by deputy district attorneys. For the most part, they ran tough, law-and-order campaigns, just as they had done in June to force the runoffs. Three of the five deputies won, and a fourth, Gene Borre in Fresno County, lost to Judge John Zylka by 370 votes out of a total of 109,000 cast. Almost all accused their opponents of being soft on crime.

There were also vigorous political campaigns in open races for vacant judicial seats. Both judges and would-be judges were out walking precincts, erecting signs, handing out brochures, and attacking their opponents. And for the first time, a majority of candidates for judicial offices hired professional consultants to run their campaigns. In Los Angeles County 11 out of 12 judicial candidates turned their campaigns over to professionals. Six of the 11 turned to the same campaign management firm, Cerrell and Associates of Los Angeles, which had successfully managed campaigns for nine challenged judges in 1978. Up until that time, running a judicial campaign was almost entirely an amateur business.

Fees paid by aspiring judges for professional consulting ranged from a few hundred dollars into the thousands. Former Congressman John Krebs spent nearly $7,000 on consultants in his efforts to win a Fresno Superior Court seat, while San Francisco Deputy City Attorney Philip Moscone paid consultants more than $13,000 in his bid to become a San Francisco Municipal Court judge. In Los Angeles Municipal Court, Judge Malcolm Mackey paid Cerrell and Associates $20,000 to run his campaign for a Superior Court seat. That amount contained some money for advertising costs. All three candidates lost.


ATTENTION LITIGANTS
THE JUDGE WHO IS HEARING YOUR CASE WILL BE RUNNING FOR REELECTION NEXT YEAR.
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Aggressive campaigning

The aggressive, day-to-day campaigning that caught many incumbent judges unprepared in the June primary was the hallmark of the November judicial elections. One of the best-publicized examples was the race between Philip Moscone and Deputy Attorney General Ina Gyemant for an open seat on the San Francisco Municipal Court.

"She was just everywhere, all over the city, continuously and tirelessly campaigning," says one observer of the race which Gyemant won by a hair. She thus overcame Moscone's

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edge in the primary election, in which he won 35 percent of the vote, and also his superior name identification. (Moscone is a cousin of former San Francisco Mayor George Moscone who was assassinated in 1978.)

The Gyemant/Moscone race set the 1980 spending record for a judicial race (see box). During the primary the four candidates for the San Francisco Municipal Court seat poured out $200,000. By the end of the November election campaign, Gyemant had amassed a campaign war chest of more than $115,000, including about $35,000 of her own money. Moscone had raised about $68,000, of which $27,000 was borrowed.

The bulk of Gyemant's and Moscone's money came in contributions of less than $500. Fellow attorneys constituted the largest category of givers in both their race and in other judicial races. Both Gyemant and Moscone solicited contributions from long lists of givers, but other attorneys running for judicial office paid most of their campaign costs from their own pockets. Alhambra Municipal Court Judge John Stanton loaned himself more than $51,000 in his bid for a Los Angeles Superior Court seat. Malcolm Mackey, his opponent, used more than $45,000 of his own money to finance his campaign. Stanton said at the outset of his campaign that he would not solicit contributions from attorneys because he felt doing so would result in a conflict of interest.

Judge Best of Fresno agrees: "What would you think if you were a litigant in my court and you knew the opposing counsel had contributed to my campaign?" he asks. "Wouldn't you wonder about the fairness of my decision if I had ruled in his favor?

"I don't think judges' decisions are being influenced by contributions," he says. "At least not yet, anyway. Nevertheless, the public thinks that money is contributed to campaigns because the contributor wants something."

Judge Stanton, who won his race, is discouraged about the situation. "You either solicit attorneys or you come up with the money yourself," he says. "The cost of running has far exceeded my wildest expectations."

In Fresno, contributions by attorneys were exceeded by those of growers and developers in a high-spending race between Krebs and Sanger Justice Court Judge Eugene Krum. Krum won the race in which he spent nearly $80,000 and Krebs spent nearly $50,000, a record in Fresno County for a judicial race. Krum received more than $20,000 in contributions from growers and develpers. Both men received contributions from persons with a wide range of occupations, but attorneys formed the largest group of Krebs' contributors and agricultural interests the largest of Krum's contributors.

Krebs believes the unusually large number of contributions received by his opponent from ranchers and developers reflected their unhappiness with his record while serving as a Fresno County supervisor and congressman. "They couldn't care less if Krum is elected," he said during the campaign. "If Mickey Mouse had run against me, they would have contributed to him."

A lack of understanding

Clearly the stage is set for more challenges to sitting judges, followed by highly expensive and political campaigns. "These challenges are arising because of a lack of understanding on the part of the public as to the amount of discretion in dealing with criminals a judge has, which is really very little," Judge Best says. "There is a sense of fear caused by what seems to be an ever-increasing crime rate and a sense of frustration about what to do about it. A judge makes a tempting target for that frustration."

Despite the rapid increase in the cost of judgeship campaigns, the amount of money raised and spent still does not approach the scale of legislative races in which it is not unusual for more than $150,000 to be contributed. Gyemant apparently was the only candidate spending more than $100,000 in the general-election campaign.

But a growing number of members of the legal community are apprehensive about the effect of judges wading into politics. "We don't have any money — we can thank the Legislature for that," Best says, referring to judges' salary levels which are between $53,000 and $60,000 a year — much less than the income of many attorneys in private practice. "We don't have any power because of limitations placed on sentencing by the Legislature. If we don't have the respect of the public, we've got nothing."

Strangely enough, in spite of all the mud hurled at the bench lately, judicial candidates have indicated that they chose to run because they consider being a judge to be the pinnacle of the legal profession. A judge, they maintain, commands tremendous respect and authority, even in these trying times.

The real question is whether the newly elected judges will also command that respect. That answer will not be known until they face re-election and possible challenges themselves.

OFFICE SOUGHT (Winner Underlined)	SOURCES OF CONTRIBUTIONS AND LOANS				
	Self	Attorneys	Agricultural & Construction	All Others	Total
San Francisco Municipal Court					
Ina Gyemant	$35,223	$ 9,551	$ 750	$71,428	$116,952
Philip Moscone	27,000	8,605	300	32,374	68,279
Fresno Superior Court					
Eugene Krum	15,400	3,580	20,800	39,046	78,826
John Krebs	9,000	5,650	3,208	29,564	47,422
Los Angeles Superior Court Office No. 1					
John Stanton	55,989	300	1,000	10,682	67,971
Malcolm Mackey	45,430	3,825		2,825	52,080
Santa Ana Municipal Court					
Bobby Youngblood	8,000	2,400		3,500	13,900
Richard Orozco (Inc.)	13,941	39,000			52,941

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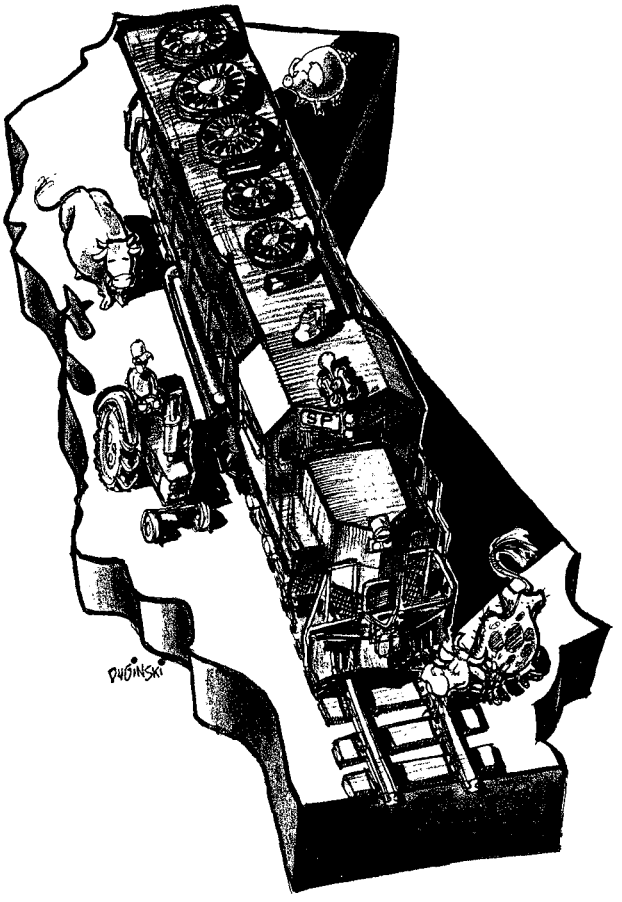
Who owns California?

Government aside, who are the biggest landholders in the state? Here's one clue: The biggest landlord is a railroad with 2 percent of the state's acreage.

By HAL RUBIN



At one end of the University of California, Davis, campus, scientists have been at work developing square, tough tomatoes as well as machines that electronically separate the green fruit from the ripe.

At the other end, in a cluttered room in a converted house, physics lecturer Don Villarejo and his student helpers are involved in a different kind of agricultural research. Their operation is known as the California Institute for Rural Studies, a non-profit educational and research organization devoted to the problems and characteristics of rural California. They get no funding from the university or the state.

The institute's recent report, "Getting Bigger: Large Scale Farming in California," contains a mountain of information about who owns the land and how that land is used. It also describes the accelerating trend toward bigger and fewer farms. Currently the staff is doing a detailed land-ownership study in Kern County. The long-range implications of such research may be more important to the future of agriculture in California than electronic eyes and square tomatoes.

The institute's work isn't easy. Its researchers can pinpoint the major farm operators, but they have more trouble identifying actual owners of the land. The recently published *California Atlas* helps to explain why: "It was impossible to map corporate ownership," its editors said. "For whatever reason (unwillingness to admit to the power that possession of land confers, moral or legal problems with taxing bodies, or simple distaste for the public disclosure of private ownership), the major land owners of California have always been opposed to any effort to publicize the size and location of their holdings."

But here are some elements in the complex picture of who owns California:

• **California's boundaries** enclose 101 million acres — divided almost equally between public and private ownership. Federal holdings by the Bureau of Land Management, national parks, National Forest Service, and the Department of Defense total 45 million acres. They include 4 million acres of Indian reservations and ranches controlled by the Bureau of Indian Affairs. Most of the federal land is desert areas like Death Valley and Joshua Tree National Monument. Much of the rest is mountainous. State and local governments claim about 5 million acres, of which 3.9 million are under water. The dry land includes state parks, universities, highways, prisons, city and county school districts, roads, parks, jails and special districts. Most of the state lands are managed by the State Lands Commission.

• **California land** supports the following uses: federal military installations, 28.5 percent; range land, 28.5 percent; parks, national forests and commercial forest land, 32 percent; crop land, 8 percent; residential, 2.5 percent; commercial, .25 percent; and industry, .25 percent.

• **The biggest private** landowner is the Southern Pacific Company, which retains more than 2 million acres from the grants it got from Congress for building a railroad system. Congress intended for much of the land to be sold off quickly in 160-acre parcels to homesteaders at modest prices, with the money being used to finance the railroad. Southern Pacific was given alternate sections of one square

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mile for each 10 miles of track. In all, the railroad was given 6.5 million acres. According to the enabling legislation, the land not sold within three years after the railroad was completed could be pre-empted by settlers for $1.25 an acre. More than a century later, the Southern Pacific still has about 430,000 acres of valuable commercial timber. Its holdings also include minerals, gas, oil, and geothermal power fields. It also leases land to farmers and cattlemen and to ski resorts. Southern Pacific has become a major real estate developer with an industrial park in Sunnyvale, One Market Plaza in San Francisco, the Livermore Shopping Center and residential developments in Stockton and elsewhere.

- **Southern Pacific** leases most of its farmland to other big farmers and owns nearly 20 percent (110,000 acres) of the Westlands Water District, a vast portion of the Central Valley which includes some of the richest farmland in the world. George Ballis, director of the National Land for People movement in Fresno, is an expert on the intricate agribusiness connections in the Westlands Water District. He has tracked down the following network: Southern Pacific often collaborates in real-estate deals with Prudential Insurance, which is involved with Bangor-Punta, a multinational corporation (France, Switzerland, Hong Kong, United States) in a 3,500-acre vineyard. Other affiliated Westlands farmers are Anderson-Clayton, the largest cotton seller in the world and the largest dealer in Brazilian coffee, and the Boston Ranch, owned by the J. G. Boswell Company. J. G. Boswell II is president of that company and is also a director of Safeway Stores. The chairman of Safeway's executive committee sits on the executive committee of the Southern Pacific Railroad. Among the Westlands neighbors is Standard Oil, with 10,474 acres that it leases to others.
- **Mexican land grants** became the basis for many of today's major holdings. The Tejon Ranch, Irvine Company, Miller and Lux and other big spreads were created when early mission estates were broken up.
- **The largest farm** operators own half of the land they farm and lease the other half from other landlords. Only 35 of the 211 largest farmers own all the land they farm. Three-fourths of the big farmers lease all or part of the land they work. Only 19 of the 211 largest farms in California are owned by or are subsidiaries of non-farm businesses. The great majority are farming companies based within the state. Their return on capital invested averages 14 to 16 percent per year.
- **The farming patterns** in Yolo County, home of UC Davis, are typical of the ownership trends: Half the crop land in the county is worked by lessees, a new breed of professional tenant farmers who work for non-farming owners. For example, the Heidrick brothers lease about 30,000 acres in Yolo County, much of its from Woodland Farms, Limited, a partnership based in San Marino.
- **The national trend** toward fewer and larger farms is particularly evident in California. There are half as many farms now as there were in 1950, and the average size has nearly doubled. (It should be noted that average farm size in California is skewed upward by the presence of a few extremely large farms.) The state's 211 largest operations — each with at least 5,000 acres — average about 14.7 square miles each, or 11,500 crop-land acres. The top 45 corporate farms in the state control more than 3.7 million acres, or about 11 percent of California's total crop land and grazing land.

Economies of scale

What does all this mean for the future of agribusiness? Institute director Villarejo believes the economies of scale favor large units — that big farmers earn a higher return on their invested capital than do small farmers, even though a well-run, small farm may produce more bushels per acre. Villarejo is convinced that the trend toward bigness in agriculture will continue because there is an important competitive advantage to the large operators when they buy pesticides, fertilizer and equipment in quantity. They also get lower interest rates on borrowed money.

One case study in the trend may be helpful: Before World War II, the Gallo family had only two small vineyards. Now it owns the largest winery operation in the world and a variety of subsidiary businesses. Gallo accounts for 42 percent of the total annual wine grape crush in California; what they don't grow on their own 21,000 acres in Merced and Stanislaus counties, they buy from independent growers. About 100 small grape growers have been absorbed by Gallo in the grape-producing area around Livingston.

With such bigness inevitably comes power. For example, the Chandler family, owners of the Times-Mirror Company, also own 25 percent of the Tejon Ranch Company which controls 272,516 acres in Kern and Los Angeles counties. Tejon is the largest privately owned contiguous parcel of land in California. On the enormous spread grow alfalfa seed, almonds, figs, grapes, melons, oranges, pistachios, sugar beets, tomatoes, walnuts, wheat, row crops and cattle. Also involved in Tejon is the Prudential Insurance Company. Superior Oil once owned 11 percent of the Tejon stock but sold out to Times-Mirror. In Kern County the Chandlers are currently trying to put together a 112,000-acre real estate development.

The power of corporate agriculture is also felt in state politics. The career of state Senator Jim Nielsen of Woodland is a good example of the grooming of one of agribusiness' own. Nielsen, who represents Napa, Sacramento, Solano, Sonoma and Yolo counties, started out as a ranch manager for the Newhall Land and Farming Company. He was selected for a leadership training program by his employers and later became a sales representative for an agricultural chemical company in Woodland. He was elected

15 Largest California Farm Operators

Name	Counties	Cropland Acres Farmed
J. G. Boswell Co.	Fresno, Kern, Kings, Tulare	147,505
Salyer Land Co.	Kings and Tulare	73,141
South Lake Farms, Inc.	Fresno, Kern, Kings, Tulare	58,829
Newhall Land and Farming Co.	Butte, Colusa, Contra Costa, Fresno, Los Angeles, Madera, Merced, San Luis Obispo, Santa Barbara, Santa Clara, Sutter, Ventura	53,976
Westlake Farms, Inc.	Kings	51,735
McCarthy Farming Co.	Colusa, Fresno, Kern, Kings, Madera, Monterey, Santa Barbara, Tulare	45,274
Anderson Farms Co.	Colusa, Fresno, Merced, Solano, Sutter, Yolo	39,867
Superior Farming Co.	Kern, Madera, Riverside	33,576
Heidrick Farms, Inc.	Yolo	30,600
Wolfsen Land and Cattle Co.	Merced, Fresno, Stanislaus	29,083
The Irvine Co.	Imperial and Orange	28,257
La Cuesta Verde Ginning Co., Inc.	Fresno, Kern, Kings, San Luis Obispo	27,415
Tejon Ranch Co.	Kern and Los Angeles	25,495
E. L. Wallace and Sons	Sutter, Solano, Yolo	24,272
Tenneco West, Inc.	Kern, Madera, Merced, Riverside, San Joaquin, Tulare	23,893

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chairman of the Yolo County Republican Central Committee, and he wrote a column for the *Woodland Daily Democrat*. In 1978 Nielsen was selected to oppose Senator John Dunlap, a liberal Democrat. About $250,000 was raised for his campaign, much of it from agricultural interests. In the Senate, Nielsen is an aggressive defender of agribusiness affairs. He helps Senator Ken Maddy and Assembly minority leader Carol Hallett in looking out for the interests of big farmers.

Power is also shifting within agriculture's marketing structure. In a variety of crops, cooperative processors are being replaced by independents. The California Almond Growers Exchange used to process most of the almonds in California; now Tenneco West, a major supplier, has its own processing operation. For many crops, a farmer needs a contract with a processor before planting; otherwise he may have no place to sell. In tomatoes, for example, the processor determines the amount of sauce, juice and paste that will be canned in the current season. That figure is determined in part by the carryover from the previous year. Because 85 percent of the processing tomatoes are grown in California, canneries keep a tight rein on tomato farmers. The canneries set the price they will pay and the amount they will purchase.

Automation is another factor in current farming trends. Ten years ago the average farmer planted 45 acres of canning tomatoes. But development of automated picking machines and electric-eye sorters forced 85 percent of the state's 4,000 cannery-tomato growers out of business and idled thousands of migrant workers. Because the machines operate most efficiently on large tracts, there has been chronic overproduction in the tomato industry and millions of tons are left to rot in the fields.

Critics of the University of California claim that its emphasis has been on research into mechanization and that the university has neglected both basic research and studies that would benefit small farmers, consumers, farm workers and the environment. UC scientists, they say, favor projects of specific interest to large agribusiness and chemical companies. They believe that federal and state water programs have also fostered bigness. Washington's prevailing philosophy was expressed by former Secretary of Agriculture Earl Butz, who once told family farmers, "Get big or get out."

But being big is not always a protection. This year promises to be a disaster for California's peach growers because Del Monte has developed a peach source in South Africa. Now African peaches have replaced American peaches for the European markets. Del Monte has told some peach growers to pull out their trees and get into other crops.

Successes and failures

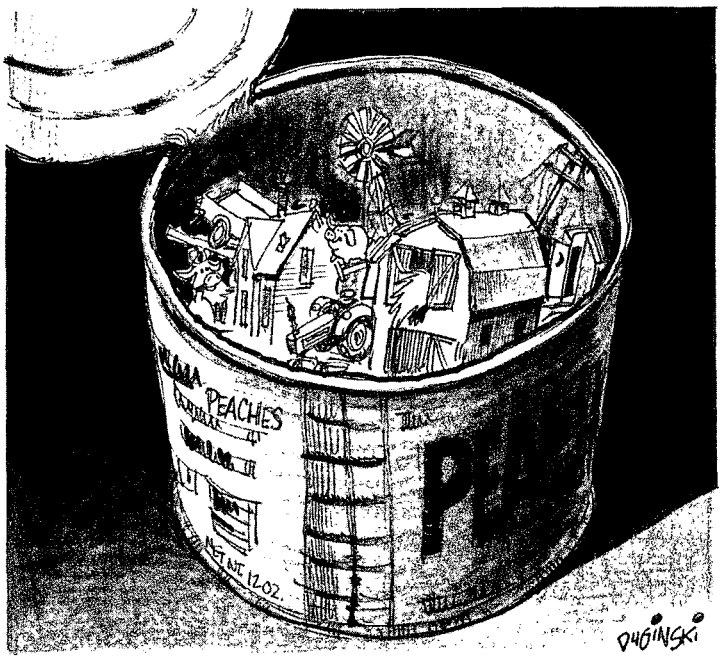
Clearly, California agriculture is a boom-or-bust industry. Some small entrepeneurs have gotten big. One is John B. Anderson, a fourth-generation Yolo County farmer who hit it lucky with tomatoes and became the largest grower of processing tomatoes in the United States. He works 57,538 acres in Colusa, Fresno, Merced, Solano, Sutter and Yolo counties, and has expanded into trucking and grain drying.

But not all large operators are as lucky. Roberts Farms, Incorporated, had a $100 million empire in Fresno, Kern and Tulare counties. The company overexpanded, suffered a few bad years and lacked the net income to cover their debt service. After filing a bankruptcy petition, Roberts Farms sold a lot of its land and scaled back its operations.

Water is what floats all the fortunes made in farming. Agriculture takes 90 percent of the subsidized water produced by the Central Valley Project (CVP) and the State Water Project (SWP). Wherever the canals go, land values escalate. A 54,803-acre water district that was worth $10.6 million in 1966 increased in value to $146 million in 1979 after irrigation water was brought in. The war over providing cheap water for agribusiness continues to divide the north and south ends of the state, as well as conservationists and proponents of growth. The proposed Peripheral Canal is their latest encounter.

In the upper San Joaquin Valley, Villarejo and his students are gathering data on 27,000 parcels in Kern County, the No. 1 agricultural county in the state. Since 1968, when the first water arrived through the SWP, five major water districts have been developed: Berrenda-Mesa, Lost Hills, Belridge Water Storage District, Wheeler Ridge-Maricopa Water Storage District and Dudley Ridge Water District. About 250,000 acres were put into production with that water.

One of the area's largest farms is the Blackwell Land Company, one of a growing number of foreign-owned operations. A 1979 federal study shows a total of 109,498 acres in



California is owned by foreigners — about .2 of 1 percent of the state's agricultural land. Blackwell has 14,329 acres in Kern County where it grows almonds, grapes, row crops and the world's largest pistachio orchard. The foreign owners are registered as the Midhurst Corporation, a Delaware-based firm, which is a subsidiary of S. Pearson and Son, London, England; Les Fils Dreyfus, Basel, Switzerland; and Unifin, a subsidiary of I.F.I. International, S.S.A. Luxembourg. The John Hancock Mutual Life Insurance Company is also involved in the almond operation.

Such ownership patterns raise significant questions about the state's agricultural base: Do the economies of scale justify the corporate accumulation of large amounts of land? Are large farms or timber operations really more efficient than small ones? Do they result in lower prices and better products for consumers, higher wages and better working conditions for their employees, and less total environmental damage? Finally, if food and fiber are produced and marketed by fewer corporations each year, what will be the role of government in assuring that such concentrated control is not abused?

For additional material on foreign land ownership, see "The selling of California," in the December 1978 Journal.

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Crime tax or tax crime?

Ever since Jerry Brown began running for governor, he has made the pledge of no new taxes the cornerstone of his formula for political survival. Now he apparently feels that his credentials as a skinflint have been adequately established and that the public is more concerned with the problem of crime than the fear of a tax increase. In a statewide television address in early May, Brown urged Californians to raise the sales tax one-quarter cent for 10 years to provide $5 billion for the fight against crime. The funds would be used for a variety of programs — construction of new jail and prison facilities, prevention, prosecution and apprehension efforts.

The governor asked that the plan be placed on the ballot in a special election this November. This would automatically place the controversial Peripheral Canal referendum and two eliminate-the-inheritance-tax initiatives before the voters at the same time, thus reducing the political heat in 1982, when Brown presumably will be running for the United States Senate. Brown's bill, authored by Assemblyman Terry Goggin of San Bernardino, came before the Assembly Criminal Justice Committee just a few days after the speech. The bill was approved by the committee, headed by Goggin, but with one important amendment — a change in date for the vote. Tom Bates of Oakland, an opponent of the canal, managed to get Goggin to accept a change putting the proposal on the ballot in June of 1982. When and if the sales-tax plan is placed before the voters, the governor and his allies will face the task of convincing the public that there are not enough public funds now available to pay for the anti-crime programs.

Before the next few months are over, Brown may also be faced with some other difficult decisions involving tax increases. By a vote of 28 - 5, the state Senate approved a bill by Senator John Foran of San Francisco raising the state gasoline tax from 7 to 9 cents a gallon. And Assembly Democrats were looking to a major boost in the cigarette tax, plus the elimination of so-called tax loopholes, as a way of providing funds to balance the state budget.

The budget situation was complicated by the prospects that Congress will approve most of the federal expenditure reductions sought by the Reagan Administration. Some of these cuts will have an impact on state and local programs. Even without the federal reductions, the state was $1.6 billion short of making ends meet next year, according to Director of Finance Mary Ann Graves. Her estimate assumed that programs were funded at their current levels, plus allowances for increases in the cost of living. The legislative analyst's office estimated that the Reagan programs would place a dent of about $680 million in the state budget. That 200-page report is based on a series of assumptions, including a minimum of changes in the plan by Congress.

The constitution requires that the budget be approved by June 15th, but that deadline has hardly ever been met. Given the nature of the crunch this year, there are few who are predicting that the budget will be approved by the start of the fiscal year July 1st.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-May. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes **N — No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

SENATE (23D, 17R)	SB 54 SB 382 SB 510 SB 538	SCA 7 Song Waldie SB 215		SB 54 SB 382 SB 510 SB 538	SCA 7 Song Waldie SB 215
Alquist (D)	YNYY	YYYY	Maddy (R)	YNYY	YYNY
Ayala (D)	YYY*	*YY*	Marks (R)	YYYY	YYYY
Beverly (R)	YNNY	YYYY	Mello (D)	YN*Y	YYYY
Boatwright (D)	YYYY	YYY*	Mills (D)	YN*Y	Y**Y
Briggs (R)	**Y*	*YYY	Montoya (D)	YNY*	YYYY
Campbell (R)	**Y*	Y*NY	Nielsen (R)	Y*Y*	YNNY
Carpenter (D)	YYY*	YYYY	O'Keefe (R)	**YY	YNNY
Craven (R)	****	Y***	Petris (D)	****	NYYY
Davis (R)	Y*Y*	YNNY	Presley (D)	YYYY	YYNY
Dills (D)	YNYY	YYYN	Rains (D)	Y*Y*	Y*Y*
Doolittle (R)	YNYY	YNNN	Richardson (R)	YN*Y	Y*NN
Ellis (R)	*NYY	Y**Y	Robbins (D)	YNY*	YYYY
Foran (D)	YNNY	YYYY	Roberti (D)	YY*Y	YYYY
Garamendi (D)	Y***	YNNY	Russell (R)	YNNY	****
Garcia, A. (D)	YN*Y	YYY*	Schmitz (R)	YNYY	Y*YN
Garcia, M. (R)	Y*NY	YNNY	Sieroty (D)	NYYN	NYYY
Greene (D)	YYY*	NYY*	Speraw (R)	**N*	Y**Y
Holmdahl (D)	YNYY	YYYN	Stiern (D)	YN*Y	YNNY
Johnson (R)	YNYY	Y**Y	Vuich (D)	YNYY	YNNY
Keene (D)	*YYY	NYYY	Watson (D)	*NY*	NYYY

SENATE

CRIMINAL JUSTICE

SB 54 (Roberti) — Restricts the use of the diminished-capacity defense in criminal cases. Passed, 30-1.

SB 382 (Presley) — Revises minimum standards for law-enforcement officers to permit examinations by licensed clinical psychologists. Defeated, 9-20.

SB 510 (Davis) — Requires that sentencing records of superior court judges be included in voter's pamphlet. Senate approved, 26-5, motion to allow bill to have a second committee hearing.

SB 538 (Holmdahl) — Restores M'Naghten rule as the test for criminal sanity. Passed, 24-1.

SCA 7 (Presley) — Proposed constitutional amendment allowing more evidence to be introduced in criminal trials. Passed, 32-5.

MISCELLANEOUS

Song — Vote on confirmation of Alfred Song as a member of the Agricultural Labor Relations Board. Confirmed, 22-8.

Waldie — Vote on confirmation of Jerome Waldie as member of Agricultural Labor Relations Board. Confirmed, 22-12.

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SB 215 (Fo·an) — Increases state gasoline tax from 7 to 9 cents per gallon. Passed, 28-5.

ASSEMBLY

LOCAL GOVERNMENT

AB 470 (Bates) — Allows the state and local governments to acquire conservation easements that are voluntarily given. Passed, 42-26.

AB 565 (L. Stirling) — Allows cities and counties to prohibit roller skating on streets and sidewalks. Passed, 68-8.

SCR 15 (Campbell) — Creates committee to evaluate local fire, police, emergency and disaster services. Passed, 45-27.

MISCELLANEOUS

AB 552 (Berman) — Reappropriates $15 million in state funds lost by 61 school districts because of child-development formula readjustments. Passed, 65-8.

AB 65 (Rosenthal) — Requires that most supermarket items be marked with individual prices. Passed, 47-25.

AB 356 (Bosco) — Prohibits enforcement of new smog regulations on businesses in operation before the rules were adopted. Passed, 61-12.

AB 502 (Roos) — Prohibits Los Angeles Rams football team, which is headquartered in Anaheim, from using "Los Angeles" without approval of the city of Los Angeles. Passed, 42-33.

ACR 9 (D. Stirling) — Creates committee to evaluate the Youth Authority. Motion to withdraw the resolution from committee failed, 34-33 (41 votes required).

ASSEMBLY (49D, 31R)	AB 470 AB 565 SCR 15 AB 552	AB 65 AB 356 AB 502 ACR 9		AB 470 AB 565 SCR 15 AB 552	AB 65 AB 356 AB 502 ACR 9
Agnos (D)	YYYY	YY*N	Konnyu (R)	YYNY	NYNY
Alatorre (D)	YYYY	YYYN	LaFollette (R)	NYNY	YYYY
Baker (R)	N*NY	NY*Y	Lancaster (R)	NY*N	NYNY
Bane (D)	YYYY	Y*YN	Lehman (D)	YYYY	Y*NN
Bates (D)	YYYY	YNYN	Leonard (R)	NY*Y	N*YY
Bergeson (R)	NYNY	YYNY	Levine (D)	YYYY	YN*N
Berman (D)	YYYY	YNYN	Lewis (R)	NNNN	NYNY
Bosco (D)	YYYY	YYYN	Lockyer (D)	*NY*	YNNN
Brown, D. (R)	NNNN	NYNY	Marguth (R)	NYNY	NYNY
Brown, W. (D)	YYYY	YYYN	Martinez (D)	YYYY	YYYN
Campbell (D)	YYYY	YYYN	McAlister (D)	NYYY	NYYY
Chacon (D)	YYYY	YYYN	McCarthy (D)	Y*YY	*YY*
Cortese (D)	YYYY	YYYN	Moore (D)	YYYY	YYYN
Costa (D)	NYYY	Y*YN	Moorhead (D)	NYYY	YYN*
Cramer (D)	YYYY	YNYN	Mountjoy (R)	NYNY	NYNY
Deddeh (D)	*YN*	YYYN	Naylor (R)	YYNY	*YNY
Duffy (R)	YYNN	YY*Y	Nolan (R)	*Y**	NYNY
Elder (D)	YYYY	YYY*	Papan (D)	*YY*	*YN*
Farr (D)	*YYY	YYY*	Robinson (D)	NNYY	YYNN
Felando (R)	NYNY	YYNY	Rogers (R)	YYNY	NYNY
Filante (R)	YYYY	NYNY	Roos (D)	YYYY	YYYN
Floyd (D)	YNYY	YYYN	Rosenthal (D)	YYYY	YNYN
Frazee (R)	*YY*	NYNY	Ryan (R)	NYNY	YYYY
Frizelle (R)	NYNN	NYNY	Sebastiani (R)	NN*Y	N*NY
Goggin (D)	YYNY	*NNN	Sher (D)	YYYY	YYYN
Greene (D)	*YYY	*YY*	Statham (R)	NYNY	NYNY
Hallett (R)	YYNY	NYNY	Stirling, D. (R)	*Y*Y	NYNY
Hannigan (D)	Y*YY	*YYN	Stirling, L. (R)	YYNY	NYYY
Harris (D)	*YYY	YNYN	Tanner (D)	YYYY	YYN*
Hart (D)	YYNY	YNNN	Thurman (D)	NYYY	YYY*
Herger (R)	NYNN	NYNY	Torres (D)	YY*Y	Y*YN
Hughes (D)	YYYY	YYY*	Tucker (D)	YYYY	YYY*
Imbrecht (R)	YYNY	NYYY	Vasconcellos (D)	YNNY	YNN*
Ingalls (D)	*YNY	*NNY	Vicencia (D)	YY*Y	Y**N
Ivers (R)	YYYN	NYYY	Waters, M. (D)	YNYY	YYYN
Johnson (R)	NY*N	NYNY	Waters, N. (D)	NYYY	YYY*
Johnston (D)	NYYY	YYYN	Wray (D)	Y*YY	YYNY
Kapiloff (D)	*YY*	YNYN	Wright (R)	NYNY	NYNY
Katz (D)	YYYY	YYYN	Wyman (R)	*YN*	*YNY
Kelley (R)	NYNY	NYYY	Young (D)	NYYY	YYY*

NEW IN PRINT

Cato Journal, a new, twice-yearly journal from the Cato Institute, edited by Robert L. Formaini. Charter subscriptions, $10 per year or $18 for two years, from *Cato Journal,* 747 Front St., San Francisco 94111.

Surgical Care for Cardiovascular Disease in California: Present Status and Future Policy, by Shan Cretin and Nigel Roberts for the California Policy Seminar, Institute of Government Studies, University of California, Berkeley. 37 pp. Available as Monograph Number 8, at $3.75 plus sales tax (payable to the Regents of the University of California), from the Institute, UC Berkeley, 94720.

Working Together: Self-Reliance in California's Communities, published by the Governor's Office of Appropriate Technology. 110 pp., illus. Single copies available free to California residents from OAT, 1600 Ninth St., Sacramento 95814.

Ombudsman Policy Innovation in the English-Speaking World, by William B. Gwyn for the Institute of Governmental Studies, University of California, Berkeley. 53 pp. Available as Research Report 80-2, at $5.75 plus sales tax (payable to the Regents of the University of California), from the Institute, UC Berkeley, 94720.

Citizen Participation in American Communities: Strategies for Success, by Daniel M. Barber for the Center for Public Policy and Administration, California State University, Long Beach. 213 pp. Contact Kendall/Hunt Publishing Company, 2460 Kemper Blvd., Dubuque, IA 52001.

Master Plan for Regulation Review, published by the state Office of Administrative Law. 192 pp. Available as California Administrative Register 81, No. 13-Z, at no charge, from the OAL, 1414 K St., Suite 600, Sacramento 95814.

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CHARTING THE LEGISLATURE

The following is a list of significant bills pending before the Legislature in mid-May.

AGRICULTURAL RELATIONS

SB 1248 (Craven). Bans secondary boycotts by unions under the state's Agricultural Labor Relations Act. (Senate Industrial Relations Committee)

AB 1445 (Herger). Repeals the state's Agricultural Labor Relations Act and requires farm labor employee/employer relations to be governed by the federal Labor-Management Relations Act. (Assembly Labor and Employment Committee)

BUDGET AND PUBLIC FINANCE

SCA 2 (Boatright). Constitutional amendment to require a simple majority vote of both houses to pass the annual state budget bill instead of a two-thirds vote. (On Senate floor)

CHILD ABUSE

SB 322 (Rains). Amends 1980 child abuse reporting law to repeal requirement that health professionals, social workers and others report known or suspected instances of consensual sexual intercourse by a minor. (Signed by governor; effective immediately)

COURTS

SB 978/SCA25 (Rains). Consolidates municipal and justice courts and revises the composition of the Judicial Council. (Senate Judiciary Committee)

ACA 39 (Nolan). Constitutional amendment to require the election of appellate court justices to six-year terms and to require Senate confirmation of the governor's appointments to fill judicial vacancies. (Assembly Judiciary Committee)

CRIMINAL JUSTICE

SB 980 (Keene). Prohibits plea bargaining in violent and serious felony cases. (Senate Finance Committee)

SB 756 (Russell). Prohibits the use of plea bargaining in felony cases involving the use of a firearm. (Senate Finance Committee)

SB 698 (Thurman)/SB 1207 (Doolittle). Appropriates $2.7 million to replenish the insolvent Victims of Violent Crime Indemnification Fund. AB 698 increases fines imposed on criminal offenders. (AB 698 is in the Assembly Ways and Means Committee; SB 1207 is in the Senate Finance Committee)

AB 1613 (Berman). Bans paramilitary training camps by the Ku Klux Klan and other similar groups in California by making training in the use of firearms, explosives and incendiary devices illegal when organized for the purpose of provoking civil disorder. (Assembly Ways and Means Committee)

AB 246 (Goggin). Enacts the Criminal Justice Emergency Powers and Funding Act. Provides for the submission of an $850 million bond issue to voters to finance prison construction and the expansion of county jails. Also increases state sales taxes by 1/4 percent to fund law enforcement agencies, district attorneys, public defenders and criminal courts. (Assembly Ways and Means Committee)

EDUCATION

SB 1085 (Schmitz). Requires school boards to determine whether a family life, sex education or similar course of instruction offends any religious creed or religious, moral, or conscience belief of any pupil or parent. (Senate Education Committee)

SB 697 (O'Keefe). Prohibits the superintendent of public instruction or any state agency from seeking or accepting funds from any public or private source for sex education programs. (Senate Finance Committee)

AB 399 (Leonard). Establishes standards for the content of public school textbooks and instructional materials. Requires such materials to teach high moral standards and other specified values. (Assembly Ways and Means Committee)

ELECTIONS

AB 785 (Costa). Changes the date of the presidential primary election from June to April. (Assembly Ways and Means Committee)

HEALTH CARE

AB 1602 (Tucker)/SB 930 (Maddy). Substantially revised health planning law to require planning and review activities pursuant to federal law, the adoption ofa state health plan, and changes in the certificate-of-need process for health facilities and projects. (AB 1602 is in the Assembly Health Committee; SB 930 is in the Senate Finance Committee)

SB 959 (Garamendi). Prohibits physicians from referring patients to a clinic laboratory in which they have an ownership interest and prohibits healing arts licensees from engaging in any split-fee arrangement. (Senate Finance Committee)

INSURANCE

AB 2007 (Rosenthal). Prohibits insurance companies from basing automobile insurance rates on occupation. (Assembly Finance, Insurance and Commerce Committee)

AB 1871 (Kapiloff). Requires group health insurance policies to permit continued coverage of a spouse upon dissolution of the marriage. (Assembly Finance, Insurance and Commerce Committee)

LANDLORD-TENANT RELATIONS

SB 345 (Sieroty)/AB 623 (Bates). Requires landlords to show "just cause" before they can evict a tenant. (SB 345 is in the Senate Judiciary Committee; AB 623 is in the Assembly Judiciary Committee)

MALPRACTICE

AB 1577 (Nolan). Requires the submission of claims against physicians based on a medical injury to a screening panel composed of a judge, an attorney and a physician prior to filing a complaint. Provides that the panel's decision as to liability would be admissible at a trial. (Assembly Judiciary Committee)

SALARIES

SB 238 (Alquist). Increases salaries of state's constitutional officers and members of the Board of Equalization. (Senate Finance Committee)

TAXATION

SB 377 (Nielsen). Returns $500 million in property taxes to California taxpayers who were taxed on unsecured property for 1978-79 in excess of the 1 percent property tax rate enacted by Proposition 13. (Senate Finance Committee)

SCA 11 (Ellis). Constitutional amendment to apply the 1-cent property tax limitation to property on the unsecured roll. (Senate Revenue and Taxation Committee defeated; reconsideration granted)

TRANSPORTATION

SB 215 (Foran). Increases sales tax on gasoline from 7 cents to 9 cents per gallon and increases driver's license, vehicle registration, and truck weight fees to finance highway construction and local street and road improvement. (Assembly Transportation Committee)

TOXIC SUBSTANCES

AB 103 (Robinson). Bans the use of urea formaldehyde foam insulation in residential and commercial buildings. (Assembly Ways and Means Committee)

SB 618 (Carpenter). Imposes a fee on businesses disposing of hazardous wastes to finance the control and cleanup of hazardous waste sites. (Senate Finance Committee)

UNEMPLOYMENT INSURANCE

AB 1760 (Robinson). Prohibits students whose school attendance eliminates any potential prospect for full-time suitable employment from qualifying for unemployment benefits. (Assembly Ways and Means Committee)

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By Leo Rennert

Senatorial discourtesies

California's two United States senators have discarded the usual niceties of congressional courtesy in a bitter fight over selection of federal judges and prosecutors. Democrat Alan Cranston accuses Republican S. I. Hayakawa of reopening the door "to partisan political cronyism." Hayakawa says it's his turn now to name U.S. attorneys and members of the federal bench in California. He professes not to understand why Cranston is making so much fuss and gleefully rejects every appeal from his Democratic colleague for part of the action. The scrap has reached the point where Cranston is mulling over possible use of dilatory tactics to block Hayakawa-sponsored nominees.

AT STAKE ARE UPCOMING APPOINTMENTS to the top federal prosecutor slots in Los Angeles, San Francisco, San Diego and Sacramento. There also are half a dozen vacancies on California's federal bench. In the next few months, President Reagan will send nominations to the Senate to fill these highly coveted positions. But the White House, according to long political tradition, usually takes its cue from senators of the president's party. Until the Watergate "reform" era, the political-spoils game was conducted quite openly. There was some change during the Carter years when senators were encouraged to widen the field of applicants and to pay more attention to "merit." Many appointments went to women and minorities. But the essentially political character of the selection process remained unaltered. Democratic senators called the shots during a Democratic administration. Now, with the GOP in control of the White House and the Senate, it's the other side's turn.

Cranston, however, doesn't quite see it that way. To hear him tell the story, the last four years represented a clean break with a pattern of partisan cronyism that Hayakawa now seeks to revive. During that period, Cranston established -- with the cooperation of Hayakawa and the State Bar — a statewide blue-ribbon panel to screen applicants. There were nine members on the screening commission. Under a formal agreement signed by the two senators, Cranston had four members, the State Bar three and Hayakawa two. In appearance, it was a neat package. It enabled Cranston to claim that a "bipartisan" selection process had replaced the old cronyism. It was also a clever trap — and Hayakawa stepped right into it. Hayakawa initially insisted on full parity as the price for "bipartisan" cooperation. He suggested a 3-3-3 division of the screening-panel seats between the two senators and the State Bar. But Cranston persuaded Hayakawa that a senator from the president's party ought to have more clout and Hayakawa, new in the ways of Washington, went along. The deal was sealed in 1977 — with both senators pledging to make their final choices from lists of finalists submitted by the blue-ribbon commission.

In actual practice, Jimmy Carter rubber-stamped Cranston's selections while ignoring Hayakawa's. Cranston ended up picking the four U.S. attorneys and virtually all new federal judges in California. Hayakawa was furious. As a junior partner, he was out in the cold. While providing Cranston a bipartisan facade, he was getting nothing in return. Hayakawa also was highly critical of the affirmative-action thrust of the Cranston-dominated selection process. He complained that Cranston and the commission were sacrificing competence in their zeal to fill vacancies with minorities and women.

Cranston gloried in the results Hayakawa decried. Of the 14 California federal judgeships filled in the last four years, four went to women, four to blacks, two to Hispanics, two to Jews and one to an Asian. Cranston said all his nominees were superbly qualified and it was about time that the federal bench reflected California's cultural and ethnic diversity. He expressed great pride that he managed to break "the domination of white male judges on the California bench."

Cranston's ability to pick exactly the type of judges he had in mind all along was greatly strengthened by the State Bar. On his own, Cranston lacked majority control since he had only four seats on the nine-member selection panel. The State Bar, with its three seats, held the balance of power and tipped the scales to the liberal side. Its representatives included public-interest lawyer Robert Gnaizda; Stanford law professor Tony Amsterdam, a leading opponent of capital punishment, and Los Angeles businessman Leo Wyler, a liberal Democrat who spearheaded the "dump-Carter" movement last year. Whether they got on the screening commission because of internal Bar politics or because the Bar wanted to ingratiate itself with Cranston, the result was clear: The selection process was under the firm control of liberals. In fact, the Bar's representatives were more liberal than Cranston's.

With this cast of players, Hayakawa really was never in the game. Still, it took him two years to come to this realization. Finally, in 1979, he rebelled and threatened to pull out. To keep Hayakawa in line, Cranston agreed to let him pick one judge out of every four. The concession came too late. By the end of the Carter Administration, Hayakawa had managed to handpick only one federal district judge — David Kenyon in Los Angeles.

A week before Reagan's inauguration, Hayakawa ended the tripartite selection arrangement. Parting company with both Cranston and the State Bar, he assumed sole control over prosecutor and judicial appointments. Hayakawa now has his own private advisory committee. And, to rub salt in the wound, he has rejected repeated requests to give Cranston 25 percent of the judicial appointments. "Cranston was making up for lost time during the last four years," he remarks. "Now, I'm making up for lost time too."

HAYAKAWA SEES THE NEW ARRANGEMENT as simple justice; Cranston considers it a terrible inequity. Four years ago, when Cranston tried to eliminate the appearance of partisan spoils from judicial selections, Democratic Congressman George Miller of Contra Costa County said the effort was doomed to failure. "You can't take politics out of politics," he declared. In their own ways, Cranston and Hayakawa have proved him right.

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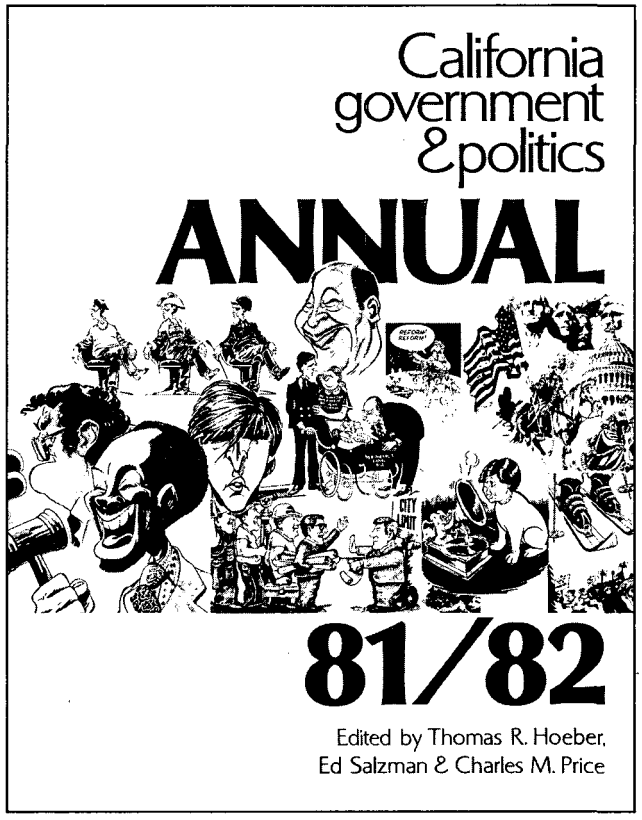

Those who own the country ought to govern it.
— John Jay

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